

EXHIBIT 10

In the Matter of:

Jonathan R., et al.,

vs

JIM JUSTICE, et al.

LAUREA ELLIS

June 26, 2024



5010 Dempsey Drive
Cross Lanes WV 25313
304-415-1122

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON

JONATHAN R., minor, by Next Friend, Sarah
DIXON, et al.,

Plaintiffs,

-vs- Case No. 3:19-cv-00710

JIM JUSTICE, in his official capacity as
Governor of West Virginia, et al.,

Defendants.

DEPOSITION OF LAUREA ELLIS

The deposition of Laurea Ellis was
taken on June 26, 2024, at 8:57 a.m.,
at 2116 Kanawha Boulevard, East, Charleston,
West Virginia.

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Also Present: Cammie Chapman

1 I N D E X

2 WITNESS

3 Laurea Ellis

4 EXAMINATION

5 by Ms. Ellis Page 04

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19 Reporter's Certificate: Page 176

Errata Sheet/Signature Page: Enclosed

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1 LAUREA ELLIS,
2 called as a witness, first being duly sworn
3 by the Court Reporter/Notary Public,
4 testified as follows, to wit:

5 EXAMINATION

6 BY MS. TEBOR:

7 Q. Ms. Ellis, my name is Julia Tebor.
8 I am an attorney for the plaintiffs. You
9 were just sworn in, so you are under oath
10 and you are sworn to tell the truth the same
11 as if you are in court providing testimony.

12 Do you understand that?

13 A. Yes.

14 Q. I'll go over a couple of procedural
15 items for the sake of the court reporter.
16 Please limit your answers to a verbal
17 answer. The court reporter can't take down
18 a nod of the head.

19 Do you understand?

20 A. Yes.

21 Q. Okay. Your attorney may object.
22 These objections are for the court. So you
23 may answer the question unless your attorney
24 tells you not to.

1 A. Okay.

2 Q. If you need a break at any time,
3 please let me know. But I ask that you
4 answer any pending questions before we take
5 a break. Okay?

6 A. Okay.

7 Q. And if you do not understand a
8 question as I have phrased it, please let me
9 know and I will rephrase the question.

10 A. Okay.

11 Q. Do you have any questions about
12 what I have said so far?

13 A. No.

14 Q. All right. Ms. Ellis, have you
15 ever been deposed before?

16 A. Yes.

17 Q. How many times have you been
18 deposed?

19 A. I believe two. Same case.

20 Q. What case were you deposed in
21 connection with?

22 A. I mean, years ago. It was a child
23 abuse, a case that was brought against the
24 agency.

1 Q. And you say years ago. When was
2 it?

3 A. I don't recall. Over 15 years.

4 Q. What was the case?

5 A. Are you asking me the name?

6 Q. I am asking you the name and what
7 the case was about.

8 A. I don't recall the name. But it
9 was over a child who had been sexually
10 assaulted.

11 Q. And was this child a foster child?

12 A. No.

13 Q. And if you recall, what was the
14 allegation against DHHR?

15 A. That the worker didn't take the
16 appropriate action.

17 Q. Ms. Ellis, what did you do to
18 prepare for today's deposition?

19 A. I met with Julia.

20 Q. When did you meet with your
21 attorney?

22 A. I don't recall the dates. I would
23 have to look at my calendar which I don't
24 have. Most recently, I met with her

1 yesterday.

2 Q. About how many meetings had you had
3 before yesterday?

4 A. I don't recall. I mean, I don't
5 know the number. Like I don't have know
6 calendar. I could tell you if I had it, but
7 I don't have it.

8 Q. Can you approximate?

9 A. I mean, this is only a guess.
10 Maybe five.

11 Q. Okay. And aside from the meeting
12 yesterday, when were the other meetings?

13 And I will clarify. Strike that.

14 Were these meetings within the last
15 month?

16 A. Yes.

17 Q. How long did you meet with your
18 attorney yesterday?

19 A. Approximately an hour and
20 15 minutes.

21 Q. Okay. And how long were the
22 previous meetings?

23 A. The time varied. I mean, I think
24 from 30 minutes, 45 minutes to approximately

1 an hour. I mean, I don't -- I didn't track
2 them. I know they were set for an hour. I
3 don't know that we always went a complete
4 hour.

5 Q. Did you review any documents to
6 prepare for today's deposition?

7 A. Outside of the meeting, no.

8 Q. You reviewed documents with your
9 attorney?

10 A. Briefly.

11 Q. Were those documents that your
12 attorney provided?

13 A. Yes.

14 Q. Did you consult with anybody else
15 besides your attorney in preparation for
16 today's deposition?

17 A. No.

18 Q. Can you provide me with your
19 professional background?

20 A. I began in 1995 as an intern for
21 then the Department of Human Services. I
22 was a 40 student. I started as a temp
23 position until I earned my degree -- after I
24 finished my internship, I started as a temp.

1 I came in as a health and human aide.

2 Once I obtained my degree, I went
3 to work as a child protective service worker
4 trainee, which was the position that you
5 were hired in. After that, you complete
6 your year of probation. I became a child
7 protective service worker. I worked in that
8 position until 2005. I became a child
9 protective service supervisor. I served in
10 that position till I am thinking around
11 2009.

12 I left the agency for 14 months and
13 went to work at our -- the prosecutor's
14 office in the county at which I reside for
15 14 months. I returned to the Department of
16 Health and Human Resources as a social
17 service coordinator. I was in that position
18 until I became a community service manager.

19 The agency split to where family
20 assistance went to one side and social
21 services went to the other side. So I
22 became a social service manager. I was in
23 that position. I became an interim deputy
24 commissioner in March of '23. And then I

1 became -- I was hired into the position of
2 deputy commissioner in May of '23.

3 Q. And when did you become a social
4 services coordinator?

5 A. It was 2009.

6 Q. When did you become a community
7 services manager?

8 A. Two thousand -- I was interim I
9 believe in 2021. And then I became
10 permanent in 2022, I believe.

11 Q. Okay. And you said next you were
12 the social services manager. So you became
13 the social services manager when?

14 A. Well, I don't recall the date when
15 the agency, the bureau split. A community
16 service manager was the title here. It was
17 just basically a switch in title and you
18 focused on social services. So I don't
19 recall like the exact day.

20 Q. Okay. And so for all intents and
21 purposes, community services manager and
22 social services manager, was that the same
23 role with a title change?

24 A. With some change in your

1 responsibilities and your duties. I am no
2 longer responsible for family assistance,
3 the medical card, the EBT programs, the
4 building. So it was just -- we focused on
5 social services.

6 Q. And let's talk about the social
7 services manager role.

8 A. Okay.

9 Q. What was your role as social
10 services manager?

11 A. Well, you are responsible for the
12 delivery of services within your district.
13 I mean, you supervise the supervisors.
14 That's a good way to say it. That you lead
15 the productivity within your district.
16 Continual data analysis to see where we are
17 in cases in compliance.

18 You are responsible for hiring.
19 You have a physical responsibility to make
20 sure that staff are within policy in regards
21 to travel, making sure that we are serving
22 West Virginia residents to the best of the
23 ability of that county.

24 Q. What counties did you oversee as

1 social services manager?

2 A. Wood initially. And then with the
3 realignment, Wood and Wirt.

4 Q. I know you said you became interim
5 deputy commissioner in March of 2023 and
6 deputy commissioner in May of 2023; is that
7 correct?

8 A. That's correct.

9 Q. What is your role as deputy
10 commissioner?

11 A. Well, a lot of the same. It just
12 goes in a larger capacity. I went from
13 having two counties to having 33 counties in
14 different districts. So instead of
15 supervising front-line supervisors, you are
16 supervising your social service managers.

17 Part of your role is building
18 rapport with the court system, making sure
19 cases are in compliance, that districts are
20 staffed, partnering with their managers to
21 make sure that we look at every alternative
22 to get staff in there and to help them meet
23 their goals in regards to casework to make
24 sure that children are transitioning and

1 permanency is achieved in the best way
2 possible.

3 You are responsible a majority of
4 the time responding to consumers with
5 concerns or complaints, navigating clients
6 to the services they need, helping them
7 understand the process, to reinforce
8 relationships with the workers.

9 Q. And you said you are supervising
10 the social services managers; is that
11 correct?

12 A. Yes.

13 Q. How many social services managers
14 are there?

15 A. I have 12 that --

16 Q. So some of the social services
17 managers cover multiple counties?

18 A. We call it a district. I mean,
19 yes. But it's -- some are multi-county.

20 Q. Okay. So each of the social
21 services managers are located in a district?

22 A. They are.

23 Q. And how do you supervise the social
24 services managers?

1 A. Well, I mean, there's lots of ways.
2 I mean, we are in an age of technology. So
3 obviously we utilize email. We have monthly
4 -- I mean, we have monthly management
5 meetings which occur the first Friday in
6 which all managers attend. We have weekly
7 data meetings, which are on Google. So I
8 mean, they are within their offices. But we
9 meet there weekly. I mean, those are
10 scheduled. And sometimes, I mean, things
11 come up, a policy change or a directive that
12 I really don't want to wait till that next
13 Monday. So, I mean, we meet. I communicate
14 with them individually. I visit their
15 districts.

16 Q. And you were talking about data
17 meetings. Do you receive regular data
18 reports from your community -- from your
19 social services managers?

20 A. Every Monday.

21 Q. Okay. What are those reports?

22 A. Are you asking me the information
23 that I ask?

24 Q. Correct.

1 A. Okay. In child protective
2 services, there's different -- you have your
3 initial referrals come in. So your initial
4 face-to-face. So I get -- I receive from
5 them the number of referrals that they
6 receive during that -- the week prior
7 period. And of that, how many of the
8 face-to-face were made.

9 We talk about how many children are
10 in custody and how many of those children
11 have been seen and then how many of those
12 have been documented. If there is something
13 for like the -- we talk about -- I mean, if
14 there was an issue with staffing, if
15 somebody like had a couple of staff out on
16 medical, then we, you know, work together to
17 make sure that we cover any shortfalls.
18 That information is shared. I am mentally
19 looking at it - sorry - on the list, what
20 their backlog looks like, what their plan is
21 to remedy any deficits.

22 Q. When you say "backlog," what do you
23 mean?

24 A. When you refer to backlog, backlog

1 is a referral that is over 30 days that has
2 not been completed.

3 Q. And when you say "a referral," what
4 do you mean?

5 A. A referral, another word would be
6 investigation. There are allegations of
7 abuse or neglect that is assigned for
8 investigation.

9 Q. Okay. And do you receive regular
10 reports regarding caseworker caseloads?

11 A. When I talk to them -- when I talk
12 to managers individually, we do discuss like
13 caseloads.

14 Q. Do they provide -- strike that.
15 Do you review any data on the
16 caseloads for the individual districts?

17 A. Yes.

18 Q. What data do you review?

19 A. Well, I mean, their report. I
20 mean, obviously their logs. They share
21 their logs with me. We look at what staff
22 are coming out of training, like the
23 movement of cases. We look at their reports
24 that are in our PATH system like with

1 caseloads. And I can go in the PATH system
2 and look at who is under me to look at the
3 number like in the PATH system.

4 Q. Have you gone on the PATH system to
5 look at the number of caseloads?

6 A. Uh-huh.

7 Q. How frequently do you go on the
8 PATH system to look at the number of
9 caseloads?

10 A. One to two times a month. I mean,
11 we talk about in cases -- what cases that
12 can be moved to the adoption unit, what
13 cases that can be closed. Because like a
14 number doesn't always encompass what actual
15 cases they are working. I mean, it's just a
16 matter -- some are just a matter of getting
17 the data in to closing the court orders,
18 closing the --

19 So, you know, we talk about that.
20 And they obtain that information from their
21 supervisors that, you know, Susie can close
22 five cases. So, I mean, it looks like she
23 has 30, but actually she has 25. So, I
24 mean, we do discuss that regularly.

1 Q. So these are verbal communications
2 between you and the social services managers
3 regarding how many cases they actually have
4 ongoing in their district?

5 A. Correct.

6 Q. Do you do anything to validate the
7 data or the information that they are
8 providing to you?

9 A. There is a comparison with the
10 information they provide. And I do compare
11 their verbal reports to PATH, the data in
12 PATH.

13 Q. So you check their verbal
14 reports --

15 A. Yes.

16 Q. -- against PATH?

17 We talked about the backlog of
18 referrals over 30 days. How do the social
19 services managers track the backlog?

20 A. I mean, it's through a log. Every
21 referral that has come in, there is a --
22 everyone has a log of the referral, when it
23 was received, when the face-to-face is due,
24 face-to-face made, when the -- when it's

1 clear.

2 Q. And who is inputting the data on
3 when the face-to-face is made?

4 A. The direct supervisor of the
5 caseworker. I mean, generally, that would
6 be like your intake supervisor.

7 Q. The supervisor of the caseworker
8 inputs the information about when a
9 face-to-face is made?

10 A. On the log, correct.

11 Q. And as far as you are aware, the
12 supervisor is relying on the information
13 provided to them by the individual
14 caseworker in inputting the timing for the
15 face-to-face?

16 MS. SIEGENBERG: Objection.
17 Calls for speculation.

18 A. Can you repeat the question?

19 Q. Sure.

20 You had said that the supervisor
21 inputs information as to when a face-to-face
22 contact is made into PATH; is that correct?

23 A. Yes.

24 Q. Okay. The supervisor in inputting

1 that information with regard to the face-to-
2 face contact is relying on the information
3 provided to him or her by the individual
4 caseworker; is that right?

5 A. Well, when a caseworker makes
6 contact with the child, the findings or the
7 information from that child is shared. I
8 mean, it's staffed with the supervisor. So,
9 I mean, then they record that the contact
10 was made. Then they follow up to make sure
11 that the contact is like actually entered
12 into the system.

13 Q. So the individual caseworker
14 provides information about the face-to-face
15 contact to the supervisor who then inputs it
16 into PATH?

17 A. Correct. Wait a minute.

18 Q. Okay.

19 A. Well, repeat your statement because
20 I think there was --

21 Q. Sure.

22 The individual caseworker provides
23 information about the face-to-face contact
24 to the supervisor, and the supervisor then

1 inputs -- sorry.

2 The individual case -- I'll strike
3 that. I will do it in two separate parts.

4 The individual caseworker provides
5 information about the face-to-face contact
6 to the supervisor; is that correct?

7 A. That's correct.

8 Q. The supervisor then inputs that
9 information into PATH?

10 A. That's not correct.

11 Q. Okay.

12 A. That's what I thought -- the worker
13 inputs the contact into PATH.

14 Q. Okay. Thank you.

15 Are there any formal processees in
16 place to check that that face-to-face did in
17 fact happen?

18 A. I don't understand your question.

19 Q. Sure.

20 The caseworker inputs into PATH
21 that they did a face-to-face contact with a
22 child, correct?

23 A. That is correct.

24 Q. Are there any checks in place to

1 ensure that that face-to-face contact did in
2 fact happen, or is the supervisor relying on
3 just -- relying on the input of the
4 caseworker?

5 A. Well, I think there is -- in order
6 to complete the investigation, they have to
7 have the information. So they -- I mean, in
8 some essence they are relying on them. But
9 they also -- information is obtained from
10 collaterals, it is not just -- so that
11 information is there.

12 There are quality reviews. Our
13 staff are trained on meaningful contact. So
14 there's certain information that needs to be
15 in that contact. So I mean, again, there is
16 quality reviews like as a supervisor, and I
17 think it is the practice of most
18 supervisors, that -- I mean, randomly they
19 will pick a case or, you know, and just say
20 the [REDACTED] family, you know, just wanted to
21 follow up and see if you had any questions.
22 Basically to get their interaction with our
23 agency.

24 So, I mean, they do the quality

1 reviews. I mean, I don't know if I am
2 answering what you are asking. But there
3 are -- you know, if a worker is saying it is
4 entered, we rely on that to be accurate. If
5 we find that not to be accurate, then, I
6 mean, we deal with that as far as like --
7 but like the quality reviews -- so that
8 would be the only --

9 Q. And in terms of the quality
10 reviews, how often do supervisors perform
11 the quality reviews?

12 A. They are required to do ten a
13 month.

14 Q. And is that ten cases that they
15 pick a month?

16 A. Uh-huh.

17 Q. How do they pick those cases?

18 A. It has to be different. It can't
19 be the same worker. It has to be random
20 workers and two to three a week so they are
21 not all bunched together. So those are kind
22 of the criteria that we ask that they review
23 those.

24 Q. Do you receive reports on those

1 quality reviews?

2 A. Yes.

3 Q. And you receive that monthly?

4 A. Yes.

5 Q. We talked about who reports to you.

6 Who do you report to?

7 A. My direct supervisor is the
8 commissioner, who is Jeff Pack.

9 Q. How frequently do you communicate
10 with Mr. Pack?

11 A. We have a structured leadership
12 meeting which occurs weekly. It's generally
13 on Thursdays unless we are, you know, all
14 together for something else. And sometimes
15 we will combine it there.

16 I communicate with him -- I mean,
17 he is readily available if there is
18 something like that comes up or there is
19 something that he needs to be made aware of
20 or if he needs a question answered. I mean,
21 our communication primarily is over phone.
22 I am about 90 miles in a different part of
23 the state. So it is not like I walk down
24 the office -- or down the hallway and see

1 him. But, I mean, he is readily available
2 for clarification, questions answered,
3 support.

4 Q. Do you send Mr. Pack regular
5 reports?

6 A. I don't. They are compiled. Like
7 the management -- like the management
8 numbers and stuff like that are compiled. I
9 don't personally send them to him. But he
10 does receive those.

11 Q. What do you mean by the management
12 numbers?

13 A. Well, I mean, you know, how many
14 cases you have, how many new service cases.
15 There's different like data points that is
16 recorded on there. Mr. Pack also has access
17 to the same PATH system. So like he could
18 look right now and tell you what one of my
19 districts is doing.

20 Q. Okay. And do you have regular
21 contact with Deputy Secretary Chapman?

22 A. She generally is at our leadership
23 meeting. I think she works all of the time.
24 On the weekends, we get like data, you know,

1 about like the residential, just different
2 -- so she sends us out that weekly. She
3 doesn't hesitate to call if she needs
4 something or -- again, she takes like our
5 calls like evenings, weekends -- I mean, not
6 just during the day.

7 Q. You said weekly -- sorry. You said
8 something about residential emails weekly?

9 A. It is a -- gosh. It is a weekly
10 data of -- it's a data report of, you know,
11 the number of kids that are in residential.

12 Q. Okay. And do you have regular
13 contact with Secretary Persily?

14 A. I don't, no. I mean -- no.

15 Q. We talked about how -- we talked a
16 bit about caseloads. But do you receive
17 regular reports showing caseloads of each
18 individual caseworker?

19 A. I mean, I don't get a hand -- like
20 a report, I mean, you can look at. I mean,
21 you can look at a district's performance. I
22 get that like verbally from like the
23 managers. And again, I think I stated this
24 previously. A worker's caseload is not

1 always indicative of the cases that they are
2 actually working. I mean, they are --

3 For example, an investigation can
4 be completed. And it needs a date of birth
5 entered to approve it. So, I mean, that may
6 look like they have like an extra case. I
7 mean, it is not always accurate when you
8 have a family case where terminal rights
9 have been terminated and you become -- we
10 make them into a state ward to get them to
11 the adoption unit. The state ward is open.
12 So if there are four kids in it, that's
13 going to look like five cases. Because when
14 in a state ward, they become individual
15 cases. And you may have the state ward open
16 just for your waiting on the court order or
17 the appeal period. So one case looks like
18 five cases. So, I mean, looking at like a
19 caseload, there is -- I mean, there is more
20 to it than just looking at a caseload.

21 Q. Can we go back to that? So when
22 you say one case looks like five cases,
23 that's because there are five kids; is that
24 right?

1 A. Well, you have got your original
2 family case which is still open. You are
3 waiting for an appeal period or you are
4 waiting for a court order or something to
5 close it out. But in order to achieve
6 permanency in a quicker rate more efficient
7 than when you make them a state ward, [REDACTED],
8 [REDACTED], [REDACTED], whoever, like all of the kids.
9 So that is one family, but it appears as
10 like maybe five cases.

11 Q. Okay.

12 A. So looking at a caseload, unless
13 you are working those cases and understand,
14 then your benefit comes from your supervisor
15 being able to tell you what those cases are.

16 Q. Okay. So to take your example,
17 there is a case with five kids?

18 A. Okay.

19 Q. You said basically it may show
20 five cases. If the one case is the previous
21 case that is still open and then the kids
22 are in the process -- the parental rights
23 have been terminated and there is four kids
24 separately --

1 A. Correct.

2 Q. -- is that right?

3 A. Yeah.

4 Q. So is there any way looking at just
5 a caseload to tell how many kids are
6 actually under that caseworker's
7 supervision?

8 A. Ask me that again.

9 Q. Sure. I will rephrase.

10 A. Okay.

11 Q. So aside from having the insight
12 from an individual supervisor who knows the
13 case, if you are just looking at the
14 caseload, there is no way to know how many
15 cases are actually on that caseload?

16 MS. SIEGENBERG: Objection.
17 Vague.

18 A. If I'm answering -- if I think I am
19 understanding you, I mean, you can look at a
20 worker's caseload. When a state ward --
21 when a state ward -- I mean, they are
22 temporary because they move to the adoption
23 unit.

24 So to answer your question, you

1 have to have a little bit of knowledge of
2 what case -- what those cases are.
3 Investigations is an example, like a
4 maltreatment only case. We send that out
5 for an assessment. It is not a case that we
6 are working, but it shows as a case on our
7 caseload.

8 So you have to have some basic
9 knowledge of what those cases are. So if
10 you -- somebody on the outside or if I
11 looked at a frontline worker's caseload -- I
12 mean, I have spent my whole life in the
13 field. So I might be able to recognize it a
14 little bit easier. But if you look at like
15 caseloads, it's not always an accurate -- I
16 mean, they are a case, but the cases they
17 are actually working, it might be a little
18 bit of like I guess a contradiction.

19 Q. So unless you could review the
20 information for each individual case, there
21 is no way to determine exactly how many
22 caseworkers a caseworker is working at any
23 given time?

24 MS. SIEGENBERG: Objection.

1 Misstates prior testimony.

2 A. Ask me your question again. I'm
3 sorry.

4 MS. TEBOR: Can you read it back
5 to me?

6 THE COURT REPORTER: Sure.

7 (The preceding question was read
8 back by the court reporter.)

9 MS. SIEGENBERG: Same objection.

10 A. A supervisor would know that. I
11 mean, a supervisor reviews the caseload the
12 district manager would know -- would know.
13 But looking on the outside -- I mean, PATH
14 may say they have 50 cases when they are
15 actually working 35 or 30 because they just
16 had court this month and they are scheduled
17 to staff at the end of the month. A lot of
18 the staffings do occur later in the month.
19 And so right now Julia may have 50 cases,
20 but eight of those kids are slated to go to
21 the adoption.

22 So, I mean, your district would be
23 able to tell you that. So, I mean, I am not
24 sure that I am answering your question. But

1 just to try to explain it --

2 Q. Yes, you are answering my question.

3 This is helpful.

4 So without talking to your
5 supervisors, if you got a report of the
6 caseloads, you would not necessarily know --
7 you personally would not necessarily know
8 how many cases a caseworker was working at
9 any given time?

10 A. We have a legally free -- we do
11 have like a log that -- legally free. I
12 mean, there are different checks and
13 balances to make sure like our kids are
14 moving. I know how to utilize that log. So
15 I may have some questions. But to give you
16 an exact number at this moment, no, I could
17 not do that.

18 Q. So in order for you personally to
19 determine how many cases a caseworker was
20 working at any given time, you would have to
21 compare the legally freed, I believe is the
22 terminology used -- legally freed log to the
23 caseloads for each child to line up how many
24 cases there actually were; is that correct?

1 A. And have a conversation with the
2 district. I mean -- yeah.

3 Q. And you would need more information
4 from the district?

5 A. Right.

6 Q. Do you receive regular reports
7 regarding available placements?

8 MS. SIEGENBERG: Objection.
9 Vague.

10 A. Not regular.

11 Q. When you say "not regular," what do
12 you mean?

13 A. I mean, we occasionally will get
14 notifications that a certified foster care
15 agency has availability for like a specific
16 age range or -- I mean, they have a new -- I
17 mean, I got an email yesterday about a new
18 home opening up, you know, what their
19 interests were. And so, I mean, you do get
20 those, I mean, when they are available.

21 Q. Okay. Aside from that type of
22 email, is there anything else?

23 A. Well, I mean, we have received
24 reports of availability with providers.

1 Q. What do you mean by that?

2 A. Like a facility has two female
3 beds, two male beds. I mean, that
4 information. So I have reviewed those.

5 Q. Do you receive reports about
6 visitation between caseworkers and children
7 who are in out-of-home foster care
8 placements?

9 A. I don't receive reports on direct
10 cases unless -- I mean, I have reviewed them
11 and I have requested them if a parent says
12 they are not getting visitation or if
13 parents or if anybody raises an issue with
14 visitation -- I mean, like I can pull them
15 from the system and review them. But I
16 personally don't get every visitation report
17 on every child.

18 Q. Okay. And just to clarify. My
19 initial question was about visits between
20 with the caseworker and the child.

21 A. Oh, I'm sorry. I thought you were
22 talking about visitation. Okay. I
23 misspoke. Sorry. Okay. Ask me the
24 question again.

1 Q. Sure. Do you receive regular
2 reports about visits between the caseworkers
3 and the children?

4 A. Okay. That is a report that is
5 available. I mean, we talk about it weekly
6 at our data meeting. And it is also a
7 report that is available in PATH that shows
8 our percentage of our visits that have
9 occurred with our children in custody.

10 Q. And who inputs the information
11 about the visits into PATH?

12 A. It would be both our assigned
13 caseworker or another caseworker who
14 assisted with the visitation. It could be a
15 supervisor who sometimes assists with
16 visitation or it could be your deputy
17 commissioner who -- I mean, whoever makes
18 the visit. And we also have our certified
19 -- our private agencies, their caseworkers
20 in our visits.

21 Q. So the data that you review about
22 the percentage of visits also includes
23 visits from the private agencies?

24 A. Correct.

1 Q. Is there any process to do a
2 quality control check on this data regarding
3 visits?

4 A. There are several processes. I
5 mean, your supervisor obviously reviews your
6 contacts. We have a DPQI, a continual
7 review of. We have our ChildStat. So there
8 is a continual review of a random sample of
9 a six-month period. And they look at the
10 quality and quantity of those contacts to
11 make sure they meet certain criteria.

12 Again, I, as well as Melanie,
13 require our managers to look at -- you know,
14 to review the contacts because -- I mean,
15 these are our kids. So we are also looking
16 at like the private agency contacts to make
17 sure that they meet those criteria.

18 Q. Okay. And you said one of the- one
19 the processes you were relying on to do a
20 quality control check of visits between
21 caseworkers and children is the DPQI
22 process; is that correct?

23 A. Uh-huh.

24 Q. Okay. And if the DPQI process

1 finds that there is an issue with visits
2 between caseworkers and children, you would
3 rely on that data as valid; is that right?

4 A. Correct. I mean, it's a random
5 sample.

6 Q. Okay. And does the DP -- sorry.
7 Strike that.

8 Are there any quality control
9 checks done of the CPA visits?

10 A. I don't understand your question.

11 Q. Sure.

12 So we talked about supervisors
13 reviewing visits. We talked about the DPQI.
14 Do those same processees apply --

15 A. It does.

16 Q. -- to the CPAs as well?

17 A. It does.

18 Q. And I think you answered this in
19 response -- in confusion over my first
20 question. But do you receive reports
21 regarding visitation between parents and
22 children?

23 A. Again, my previous answer is -- it
24 is going to be the same. I don't get those

1 reports. I do have access to review them if
2 there is an issue, if somebody -- you know,
3 the quality of the visit or the quantity of
4 the visits, they are uploaded into each
5 child's individual case so I could review
6 them. But I don't personally get those, no.

7 Q. Okay. And does the DPQI process
8 look at parent/child contacts as well?

9 A. Yes.

10 Q. If there was an issue identified in
11 the DPQI, you would rely on that as valid in
12 terms of identifying issues?

13 A. Well, I mean, yes.

14 Q. Are you involved in collecting the
15 data that is provided to the federal
16 government on child welfare information for
17 West Virginia?

18 MS. SIEGENBERG: Objection.

19 Vague. Confusing.

20 A. As my role as the oversight because
21 of the data is input by our caseworkers and
22 our supervisors. So in that capacity, yes.

23 Q. And aside from overseeing the input
24 of the data, do you help to collect the data

1 that is provided to the federal government?

2 MS. SIEGENBERG: Same objection.

3 A. Again, my responsibility is like
4 the field -- I mean, doing that. I mean, if
5 a situation comes where we are questioned to
6 get information, then obviously we provide
7 it. But I mean, overall, it's, you know,
8 making sure our case plan logs are updated
9 so that information can be retrieved.

10 Q. So, for example, do you understand
11 that the federal government tracks
12 maltreatment in foster care?

13 A. I do.

14 Q. Do you pull and provide those
15 numbers?

16 A. I do not.

17 Q. Are you part of the process of
18 determining how many workers should be hired
19 for each county?

20 MS. SIEGENBERG: Objection.
21 Vague.

22 A. Yes. I mean, I am a part of like
23 -- I am the report. My counter partner --
24 like, I have been in this position a year.

1 So I have learned like what the formula --
2 like how we look at like caseloads, what our
3 recommendations are.

4 So as far as -- my involvement was
5 more on the sidelines learning this year.

6 And then with -- you know, with the Senate
7 bill, taking the population into
8 consideration and preparing that report. So
9 my involvement would be minimal just because
10 it was a learning year.

11 Q. Okay. In terms of the -- I
12 understand you might not have been
13 personally involved in the process. But in
14 terms of creating the recommendations, what
15 is your understanding of the process going
16 forward for you and for --

17 A. Well, I mean, you look at
18 caseloads. I mean, you take a year -- a
19 year average of caseloads and you come up
20 with a number. And how many workers you
21 would need to -- recommended workers to
22 manage that caseload, how many workers that
23 are currently -- how many positions are
24 available in that district and what either

1 the increase or decrease -- I mean, you have
2 got to consider the population in that now,
3 what the increase or the decrease would be.

4 Q. Okay. And when you say you are
5 looking at the average caseloads, are you
6 looking at this in terms -- are you looking
7 at the caseloads in terms of the child, in
8 terms of a family?

9 A. Well, I mean, you look at two. You
10 look at the investigation, the investigation
11 and -- in PATH, in order to -- like every
12 investigation is turned into a case. So you
13 -- I mean, whether they are opened ongoing
14 as a case. So, I mean, you have to
15 understand the difference in that. So
16 investigation is one part and cases are
17 another.

18 Q. And those both go into the average?

19 A. In different -- investigations is
20 one and cases are another.

21 Q. In terms of cases that are pre-
22 termination of parental rights for children
23 that are in foster care, those are counted
24 by family; is that correct?

1 A. Are you saying pre-termination?

2 Q. Correct.

3 A. Okay. So that would be an ongoing
4 case. So, I mean, it is considered a case,
5 yes. It is one.

6 Q. So one family is one case?

7 A. Right.

8 Q. Even though there could be five,
9 ten kids in the family?

10 A. Correct.

11 Q. And so the recommendation that you
12 are talking about in terms of caseworkers,
13 who is that provided to?

14 A. It is provided to our commissioner.

15 Q. Do you have an understanding of
16 what happened as a result of this year's
17 recommendation?

18 MS. SIEGENBERG: Objection.

19 Vague.

20 A. Only information that was shared.
21 I wasn't -- so --

22 Q. What was the information that was
23 shared?

24 A. That we did not get additional

1 positions that were requested.

2 Q. Do you understand why?

3 A. Budgetary, is my understanding.

4 Q. Do you understand who made that
5 decision?

6 A. Our legislature.

7 Q. When creating the recommendation
8 for the number of caseworkers, are you
9 looking at your whole area overall or are
10 you looking at each individual district?

11 MS. SIEGENBERG: Objection.
12 Vague.

13 A. You look at each district, I mean,
14 statewide. But it is broken down by
15 district.

16 MS. TEBOR: I'm going to mark
17 this as Exhibit 1.

18 (Exhibit 1 was marked.)

19 MS. SIEGENBERG: It's been 50
20 minutes.

21 MS. TEBOR: It's what?

22 MS. SIEGENBERG: Fifty.

23 MS. TEBOR: Fifty. Okay. We
24 will do this one, and then we will --

1 Q. Ms. Ellis, if you will take a look
2 at this email. Let me know when you are
3 ready to discuss.

4 (Witness reviews document.)

5 Q. Ms. Ellis, let me know when you are
6 ready.

7 A. Okay. I have glanced over this.

8 Q. Okay. So if you look at the page
9 ending in Bates stamp 004.

10 A. Okay.

11 Q. And Bates stamp is the -- okay.
12 And this appears -- the bottom email appears
13 to be an email to Deputy Secretary Chapman
14 from Bridget Cohee, who appears to be a
15 circuit court judge; is that correct?

16 A. That is correct.

17 Q. Do you recall this email?

18 A. Well, it was a year ago. I mean, I
19 do recall -- I mean, not -- I do recall this
20 email.

21 Q. Okay. And Judge Cohee states that,
22 as you know, Judge Redding -- I'm sorry. I
23 am looking -- below Continued Loss of Staff.
24 She says, As you know, Judge Redding has one

1 ongoing worker (Raina Edwards) and I have
2 one ongoing worker (Marla McQuown, both of
3 who are assigned well over 100 cases to
4 manage.

5 Do you recall there being an issue
6 where workers had over a hundred cases to
7 manage?

8 A. I do -- what I can tell you I do
9 recall is just some staffing challenges in
10 this district. I don't recall a worker
11 having over a hundred cases.

12 Q. Okay. Do you have any reason to
13 doubt that the information provided by Judge
14 Cohee is accurate?

15 A. I think probably that Judge Cohee
16 saw one worker and like in her courtroom the
17 majority of the time. So I don't recall the
18 specifics. But I don't recall a worker
19 having that number of cases.

20 Q. But you think that Judge Cohee
21 would have seen one worker and --

22 A. Primarily one worker within their
23 courtroom.

24 Q. Okay. And that worker, according

1 to Judge Cohee, had well over a hundred plus
2 cases?

3 A. According to this email, that
4 appears to be her perception, yes.

5 Q. Okay. And you say that appears to
6 be her perception. Do you have any reason
7 to doubt the accuracy of her statement?

8 MS. SIEGENBERG: Objection.
9 Asked and answered.

10 You can answer.

11 A. Okay. As far as like -- again, you
12 have a court worker assigned to certain
13 cases. If like the kids go to an adoption,
14 although they are on the judge's document --
15 or docket, they are in the adoption unit.
16 So they would be transferred over to another
17 worker, which it could be me as the worker.
18 And then they are transferred and they go
19 over to Julia.

20 So those cases there are, but not
21 reflective of that. Like one worker, there
22 is a transition process. As far as the
23 administrative overrides ordered by the
24 court, they count those as cases also.

1 That's an investigation. And those are
2 other workers that handle those.

3 So there could be -- well, on her
4 docket, there may be a hundred cases.
5 There's different components to that.
6 There's investigations, administrative
7 overrides, which the court would see as a
8 case. But there is actually an
9 investigation. And that wouldn't be handled
10 by the court worker.

11 Q. Okay. So this number of one
12 hundred plus cases is not concerning to you?

13 A. Well, I mean, absolutely it is
14 concerning if like -- but again, this was a
15 year ago and it is difficult to validate
16 what happened a year ago with that. But of
17 course a hundred cases would be of concern.
18 But I would also like look at -- if I had
19 one worker with a hundred cases, yes, that
20 would be concerning. But I think there is a
21 lot of other components that go into that.

22 Q. Did you look into this particular
23 case?

24 A. I do not recall exactly. But when

1 looking into this, I think the explanation
2 that I testified was part of the issue that
3 there wasn't like a hundred ongoing cases
4 that one worker had. And I have worked with
5 this district to increase their staff and to
6 alleviate some of the pressure on their
7 workers.

8 Q. Okay. And you don't know
9 specifically how many cases this worker had?

10 A. I don't.

11 Q. Okay. And she states that the
12 Raina Edwards, the worker assigned to Judge
13 Redding's abuse and neglect cases, as
14 ongoing worker has given her notice. This
15 will leave Berkeley County with one ongoing
16 worker for all abuse and neglect cases. Our
17 efilings show that Berkeley County has 394
18 JA cases from 2020 to 2023. While some of
19 those cases may not -- may be in permanency
20 review, the cases from 2021 to present are
21 more than likely still ongoing and total
22 364. It is not possible for one caseworker
23 to be able to complete all of the tasks
24 needed to serve the children and families in

1 over 300 cases.

2 Do you agree with that statement,
3 it is not possible for one caseworker to be
4 able to complete all of the tasks?

5 A. Yes.

6 Q. Okay. What do you think is an
7 appropriate caseload for caseworkers?

8 A. Well, I think there is -- again,
9 there's not one right or wrong answer. I
10 mean, you have got to look at tenure, travel
11 to where like the kids are. I mean, if the
12 kids are within 60 minutes or they have to
13 drive, you know, four hours across the state
14 to go see them monthly. I mean, you have to
15 look at the travel involved. I think the
16 court system plays a role in that because
17 some courts have higher expectations than
18 other -- than other court systems. So I
19 think that there is not like a right or
20 wrong answer.

21 I was a worker back before they put
22 a lot of emphasis in the '90s on caseload
23 standards. And we didn't have the
24 assistance they have now for case

1 coordinators and case aides. I mean, we did
2 our own visits. We didn't have ASO
3 providers doing it. And I have great time
4 management. So I was able to manage a
5 higher caseload than some of my
6 counterparts.

7 So I think there is a lot -- there
8 is not like a right or wrong answer as far
9 as there is not -- you know, I mean, we try
10 to -- we have expectations of how many
11 referrals should be cleared a month. And
12 again, that's comparative on the tenure of,
13 you know, a worker. If the attorneys get
14 involved, they tend to slow the process
15 sometimes.

16 And as far as -- again, like the --
17 you brought it up about a case that may have
18 ten kids. I mean, that is the reality. And
19 so if a caseworker, a supervisor knows that
20 a worker has ten kids in a case to where the
21 other worker may have one and those ten kids
22 are different areas, I mean, it's going to
23 require a time. So, I mean, I don't think
24 that -- you have to look at all of the

1 dynamics when you look at caseloads.

2 Q. And you said you were a caseworker
3 previously, correct?

4 A. Uh-huh.

5 Q. What was the largest caseload that
6 you carried at any given time?

7 MS. SIEGENBERG: Objection.
8 Vague.

9 A. That was the '90s.

10 Q. Sure.

11 A. So I don't -- I mean, I don't like
12 recall specific numbers. I generally had a
13 higher caseload because I never said no. I
14 mean, I always was the one, this needs to be
15 done, okay, it is done. So I don't recall
16 specific like numbers.

17 Q. Do you have an approximation?

18 A. I probably -- I worked in different
19 capacities as an investigator, as a court
20 worker and as an ongoing. So, I mean, as a
21 court worker, I probably carried 50 court
22 cases.

23 Q. Okay. And those court cases could
24 each have more than one individuals child on

1 each given case; is that correct?

2 A. Generally, they do.

3 Q. Generally, they do.

4 And do you think that it was
5 appropriate for a caseworker to have
6 50 cases at any given time?

7 A. Do I think it's appropriate?

8 Q. Uh-huh.

9 A. I mean, again, like there is not a
10 right or wrong answer in this. There is --
11 you know, of those 50 cases back then, like
12 we did our own adoptions. Like we -- so, I
13 mean, there are different stages of it. You
14 may have 15 to 20 cases where you are
15 actually working with the family like on
16 improvement services and, you know, you have
17 cases with adoption. So it was -- I mean,
18 it ever got to a point where it wasn't
19 manageable, I talked to my supervisor and,
20 you know, got some assistance.

21 Q. Okay. And you talked about how
22 this was 50 cases when you I believe you
23 said a court worker?

24 A. Uh-huh.

1 Q. How do you define a court worker?

2 A. Well, a court worker is defined, I
3 mean, in different counties. Like, they
4 have a specialization where they call a
5 court worker. They are under the
6 supervision of a circuit court judge. It is
7 generally when children are removed from the
8 home or under the supervision of the court,
9 what you call a court worker. I mean, they
10 develop the case plans for the families and
11 they monitor placements, secure services and
12 visitations.

13 Q. Okay. And so as a court worker,
14 you are overseeing cases for children who
15 were in out-of-home foster care; is that
16 correct?

17 A. Not just foster care, out-of-home
18 placement. And some of the kids are in the
19 home, I mean, that the court -- like they
20 require the extra intervention with court
21 supervision. But the children are placed in
22 the home.

23 Q. Okay.

24 A. Or they are placed with one parent.

1 It may be working with the father. Or they
2 could be placed with the father and you are
3 working with the mother. So, I mean,
4 there's lots of variations.

5 Q. And were these all children in
6 foster care?

7 A. With all respect, you are asking me
8 25 years ago.

9 Q. Okay. Fair enough. Fair enough.
10 And were these also -- strike
11 that.

12 And so you felt that you could
13 handle as a caseworker up to 50 cases

14 MS. SIEGENBERG: Misstates prior
15 testimony.

16 A. You asked me an approximation of
17 what --

18 Q. Yeah.

19 A. -- like I recall? I mean, I am
20 giving you like a guesstimation.

21 Q. Yeah.

22 A. And I think I stated if -- like if
23 I was overwhelmed or needed assistance with
24 something, I went to my supervisor. We, you

1 know, worked geographically. If I had kids
2 two counties over and I was going there, or
3 if there were other kids, I would see those
4 kids. And like we worked as a team. But it
5 was just like the -- I had very involved
6 supervisors and -- I mean, we all had the
7 same vested interest that we wanted to do
8 the best that we could. So we worked
9 together. And so like, I don't know, I'm
10 from a generation that you did what you
11 needed to to get things done.

12 Q. Okay. And you said you personally
13 had supportive supervisors, so they were
14 able to help you to manage your caseloads?

15 A. Uh-huh.

16 Q. Yes?

17 A. I did say that. I'm sorry.

18 Q. You did say that. Yeah, okay. I
19 just wanted you to provide a verbal answer.

20 A. Yes.

21 Q. All right. And looking at the page
22 ending in 0005, okay, and I am looking at
23 the -- there is a heading that says, NO
24 Administrative Staff. And then it says

1 below that, Because of the extreme workload
2 for the ongoing workers, new workers are
3 unable to keep up with inputting case
4 information in PATH, such as assessments
5 which PATH requires be input before allowing
6 a case plan to be created. The workers have
7 no administrative support in getting the
8 case information put into the new system.

9 Do you see that?

10 A. I do see it.

11 Q. Did you do anything to follow up on
12 this concern that the judge had?

13 A. Again, this was a year ago. But I
14 have worked with the district. And I could
15 tell you, I don't recall when they had no
16 administrative staff. In conversations with
17 the judge, I think they wanted
18 administrative staff per caseworker. And, I
19 mean, that wasn't realistic. And so -- but
20 I don't recall them not having
21 administrative staff. And I did work with
22 the manager not in this -- in this instance,
23 but on other incidents to think outside of
24 the box to assign like a person that is just

1 on the adoption to, you know, stay on that.

2 And kind of streamlined some work. So an
3 improved communication. So, I mean, I did
4 address it through that manner.

5 Q. Okay. And with regard to the
6 statement that the workers are unable to
7 keep up with inputting case information on
8 PATH, do you recall that there was an issue
9 with information being inputted into PATH?

10 MS. SIEGENBERG: Objection.
11 Vague.

12 A. Okay. Ask me your question again.
13 I'm sorry.

14 MS. TEBOR: Can you repeat that?
15 (The preceding question was read
16 back by the court reporter.)

17 MS. SIEGENBERG: Same objection.

18 A. Okay. So the documentation, I
19 think our workers do the work sometimes and
20 the last thing they do is enter into the
21 PATH system. So I don't think that that --
22 I think that's an ongoing issue, that we
23 continue to work with them and create like
24 resolutions to correct that issue.

1 Q. But this issue still exists as of
2 today, it is an ongoing concern?

3 A. Well, I mean, not to the degree
4 that's reflected here. As far as like the
5 data, it's a worker issue, not a staffing
6 issue. I mean, it's like just a matter of
7 we have created documentation time where
8 they have two hours mandated to get their
9 documentation in in the morning. It is
10 their protected time. Supervisors take
11 phone calls.

12 If the contacts aren't in, we have
13 mandated some Saturdays to get -- make sure
14 the contacts are in and keep them on those.
15 So we have done some -- supervisors taking
16 their notes and entering contacts. So we
17 think of different ways to increase our
18 contacts.

19 Q. Okay. And you said there that you
20 have mandated some Saturdays. Can you tell
21 me what you mean by that?

22 A. Well, again, I have 33 counties. I
23 have 33 counties. And I think it is the
24 responsibility and the benefit for each

1 district manager to know what works there.
2 You know, I -- they vary from county to
3 county. They kind of know what works. They
4 know if there is travel ball on the weekend
5 for this worker, like if they allow them to
6 work a couple of hours over each day, to
7 come in early in the morning when it is
8 quiet, then they don't have to work a
9 Saturday. They take a certain percentage.
10 If their contacts aren't done, then they
11 have to work. So the expectation is each
12 manager comes up with their own plan as to
13 what works.

14 Q. Okay. And this would include
15 mandated overtime to the extent that a
16 caseworkers doesn't -- isn't able to input
17 all of their information during regular work
18 hours?

19 A. Correct.

20 Q. All right. I want to draw your
21 attention to the paragraph under permanency
22 delays, the staffing for adoption is being
23 delayed. Children do not show as being in
24 department custody and PATH as they cannot

1 be transferred. No one can tell the worker
2 how to correct the problem in at least two
3 cases Judge McLaughlin had on Monday.

4 What was the issue with children
5 not being shown as being in department
6 custody in PATH?

7 A. Okay. Again, this is a year old.

8 Q. Yeah.

9 A. If a child is in custody, they have
10 been custody all along. So it's not a
11 custody, a state ward likely I would say was
12 not created. It wasn't made. And
13 information has to be put in state ward case
14 so it transfers over. So, I mean, again, a
15 year old. But I don't think it is a custody
16 issue, I think it is the state ward
17 likely --

18 Q. Okay.

19 A. -- wasn't created. And I think I
20 already testified that what we did to
21 rectify that.

22 Q. Okay. Have you looked at any data
23 recently about the timing to -- strike that.

24 Okay. Looking at the last

1 paragraph, it states, We are concerned that
2 when we raise issues in an attempt to get
3 the ongoing worker support, consequences
4 roll down onto the ongoing workers.
5 Do you agree with that statement?

6 A. I agree in the fact that's what it
7 says. I mean, I -- if that's what you are
8 asking me. I don't necessarily agree with
9 that statement for the truth of the matter.

10 Q. Okay. So you don't agree that
11 there is any retaliation when they raised --
12 when judges raised issues in an attempt to
13 get support for ongoing workers?

14 A. I'm not aware of any direct
15 retaliation.

16 Q. Did you do anything to investigate
17 whether there was any retaliation with
18 regard to ongoing workers?

19 A. Yeah. I have been in that
20 district. I have interacted with workers.
21 I have talked to them like individually. I
22 am not there for like an investigation.
23 But, I mean, just about like -- I mean, I
24 have looked at like the work climate and the

1 way that they interact.

2 Q. Okay.

3 A. I read -- I review exit interviews
4 when staff leave.

5 Q. If an issue is identified in terms
6 of retaliation, you would address it?

7 A. Yes. I think we grow from -- I
8 mean, I think we grow from knowledge. And
9 if something is shared, I definitely have
10 those conversations with the manager or the
11 supervisor and -- I mean, we problem solve
12 to see what we could do better.

13 Q. Would you share those -- any
14 concerns that were raised about retaliation
15 with Mr. Pack?

16 A. Absolutely.

17 Q. And I want to draw your attention
18 to the page ending in 0002. It is the front
19 page. If you could just -- okay. And this
20 is an email from you to Cammie Chapman and
21 Jeff Pack on April 5, 2023. Is that
22 correct?

23 A. That's what is stated, yes.

24 Q. Okay. And you are talking about

1 how you have Roann's current staff taking
2 over Morgan County. Who is Roann?

3 A. Roann Bosley is a social service
4 manager that she has got six -- well, she
5 had six counties, seven -- Morgan made
6 seven -- smaller counties in the eastern
7 panhandle that are close to the Berkeley,
8 Jefferson, Morgan area.

9 Q. Okay. And why did you have her
10 staff taking over Morgan County?

11 A. Her staff were -- her staff were
12 covering -- were covering cases in Morgan
13 County, different cases. And so we just
14 moved the transition over to them to
15 completely take over Morgan County. They
16 were assisting with cases. And so, I mean,
17 she definitely had the staff available, more
18 ready. And it better, I mean, suited the
19 families we served by having her staff
20 cover. They were doing it anyway, so we
21 realigned to put Morgan with them.

22 Q. Okay. And in adding Morgan County
23 to Roann's staff, did you remove any
24 counties? Did you change anything to sort

1 of -- strike that.

2 In adding Morgan county, did you
3 take any counties away from Roann's staff?

4 A. No.

5 Q. Okay. And you state here that
6 Roann told me Amy had given her five
7 positions to cover Morgan County. I am
8 going to push back on this. I am told the
9 average referral is around 18 per month, and
10 the current worker assigned to Morgan County
11 has 20 CPS cases and 15 YS cases.
12 Comparatively to other counties, this is a
13 dream caseload for workers.

14 So I want to talk through this
15 statement. So who is Amy?

16 A. She was the person who was in the
17 position prior to myself.

18 Q. Okay. And why were you going to
19 push back on Amy giving Roann five
20 positions?

21 A. Well, the positions had already
22 been there. The positions were there. But
23 again, I think previous testimony is we look
24 at caseloads. And that was like -- the

1 caseloads did not require five. I mean, the
2 positions were -- and I can't speak -- I
3 mean, I wasn't the person that made that
4 decision. But the positions were put there
5 to help Berkeley, Jefferson, Morgan. They
6 were to help with their caseloads. And when
7 Roann's team took over, I had her post
8 certain positions. But I put two back in in
9 the Berkeley, Jefferson to assist them.

10 Q. Okay. So you did not feel that the
11 Berkeley, Jefferson -- sorry. You did not
12 feel that Morgan County needed more than the
13 two caseworkers; is that correct?

14 A. Well, any youth service. I mean,
15 two CPS, correct. And to answer your
16 question, yes.

17 Q. Okay. Even though there were
18 potential for five positions, you only felt
19 that two were needed?

20 A. The positions were originally
21 Berkeley, Jefferson, Morgan's positions.
22 They were given to Roann because Berkeley,
23 Jefferson was having difficulty recruiting
24 and hiring. So the positions were vacant.

1 So they were moved to Roann's with the
2 intent of them assisting Berkeley,
3 Jefferson, Morgan is my understanding.

4 Q. So what -- sorry. I think I am a
5 little bit confused.

6 What happened with the three other
7 -- you posted two. What happened with the
8 three other positions?

9 A. They were posted in Berkeley.

10 Q. I see.

11 A. And hired in Berkeley.

12 Q. I see.

13 Okay. So to look through this, you
14 say there are 20 CPS court cases and 15
15 youth services cases. Can you define what
16 the CPS court cases are?

17 A. What they entail, is that what
18 you're asking me?

19 Q. Uh-huh.

20 A. Okay. I think I testified to this
21 earlier that, I mean, there is oversight of
22 the court. They require supervision of
23 services, linkage to services, visitation
24 with the bio family, developing the case

1 plan, family engagement, MDTs, convening
2 MDTs. I am sure I am leaving out something.
3 But it is managing a case with the component
4 of the supervision of the court.

5 Q. Okay. And of the 20 CPS court
6 cases, these are -- we talked about this
7 before -- accounted by family and not by
8 child, correct?

9 MS. SIEGENBERG: Objection.
10 Misstates prior testimony.

11 A. Unless parental rights have been
12 terminated, they have been made into a state
13 ward.

14 Q. Okay. And the youth services
15 cases, what do those cases entail?

16 A. It is a variety. It could be a
17 referral for truancy where Little [REDACTED]
18 won't go to school. Or it could be, you
19 know, just simple case management where you
20 are working with the family. It could be a
21 JS, in which basically I kind of describe it
22 as a crime against themselves. They are,
23 you know, being incorrigible, they are not
24 doing something. And again, that would be

1 court supervision. And it is putting the
2 services -- back on the department for the
3 services to be implemented.

4 Or if it's a JD case, it takes a
5 different proponent of case management
6 because they have been charged with a crime.
7 And so you have the intensity of more
8 frequent MDTs. You're working with
9 probation on those. But they all are to get
10 the services to these youth.

11 Q. And in this particular instance
12 that you are talking about in this email,
13 this current worker has both 20 CPS cases
14 and 15 youth services cases; is that
15 correct?

16 MS. SIEGENBERG: Objection. It
17 mischaracterizes the document.

18 A. Okay. Ask me your question again.
19 I've reread it.

20 MS. TEBOR: Sorry.

21 (The preceding question was read
22 back by the court reporter.)

23 MS. SIEGENBERG: Same objection.

24 A. So according to my email, it is

1 20 CPS court cases and 15 youth services
2 cases.

3 Q. Okay. And so in some counties, it
4 is possible for a caseworker to have both
5 CPS cases and youth services cases; is that
6 correct?

7 A. In some instances, that's correct.

8 Q. Okay. And you say in this email
9 that these 20 CPS court cases and 15 youth
10 service cases is a dream caseload for
11 workers; is that correct?

12 A. Correct.

13 MS. TEBOR: I think it is
14 probably a good time to take a five-minute
15 break.

16 MS. SIEGENBERG: Can we actually
17 have a ten-minute break since we've been
18 going long?

19 MS. TEBOR: Yeah. Absolutely.

20 (Break in proceedings from 10:22
21 to 10:37 p.m.)

22 BY MS. TEBOR:

23 Q. I am marking this as Exhibit 2. It
24 is an email. And its attachment is in two

1 separate parts for whatever reason. So
2 let's just do this.

3 (Exhibit 2 was marked.)

4 Q. Ms. Ellis, do you want to take a
5 second to look at it, or do you -- are you
6 ready to -- let me know when you are ready
7 to chat about this email?

8 (Witness reviews document.)

9 A. Okay.

10 Q. Ms. Ellis, this is an email from
11 Jeffrey Pack to you and Amanda Queen on
12 July 5, 2023; is that correct?

13 A. July 5, 2023, that's correct.

14 Q. Okay. Do you recall this email?

15 A. Yes.

16 Q. Okay. And what did you do after
17 receiving this email?

18 A. Well, it was 11 months ago. But I
19 recall having a conversation with Ms.
20 Zickefoose and with the manager who is a
21 Jondrea Nicholson. I mean, we talked about
22 -- I don't recall specifically. But we
23 talked about caseloads and what -- the
24 vacancy and expectations for their district.

1 Q. Okay. And if you look on page
2 ending in Bates stamp 076, you will see the
3 email that was forwarded from Jondrea
4 Nicholson. She is a social services
5 manager; is that correct?

6 A. That's correct.

7 Q. And she is telling her staff that
8 they should be -- you know, she has missed
9 ball games, assemblies, baby showers,
10 parties and simply just time with my kids
11 and families and that this job requires
12 personal sacrifices. Do you agree with her
13 statements?

14 A. I agree that that's what she is
15 saying.

16 Q. Do you agree that caseworkers must
17 miss time with their families, ball games,
18 assemblies and baby showers as a part of
19 this job?

20 A. I agree that they miss family
21 activities. I mean, I don't know specifics.
22 But, I mean, I -- there are situations --
23 emergency situations that you just can't
24 say, oh, I am off at 4:30, I mean, if you

1 are in the middle of a situation, things
2 like that. I mean, it does happen. There
3 is an on-call component to this job if we
4 have a child without a placement, like the
5 supervision, it requires two workers around
6 the clock. So, I mean, obviously it goes
7 without saying they are going to miss
8 something.

9 Q. Okay. And if you look at the page
10 ending in 075, you will see the email from
11 Sarah Zickefoose, stating, I find it very
12 belittling -- or one of her statements is
13 that I find it very belittling to be
14 basically told in an email it is expected
15 that we put our jobs before our children.

16 Does DoHS expect that caseworkers
17 will sometimes put their jobs before their
18 children?

19 A. No. I don't think that's a fair
20 statement at all.

21 Q. Okay. Can you explain why it is
22 not a fair statement?

23 A. Well, I think that we -- I mean,
24 when I say supervisors, like we try the best

1 to accommodate your child has a basketball
2 game today -- I mean, we have a kid, you
3 know, at the hotel. You go to your
4 basketball game. You do the night shift. I
5 mean, I think we try to accommodate to cover
6 family events.

7 I don't think -- you know, I can
8 tell you myself and my superior has offered
9 to transport kids or do hotel shifts to give
10 workers a break. I mean, that's the
11 expectation that we all -- you know, it is
12 not just thrown on the caseworker that
13 people attempt to accommodate. So there is
14 not an expectation that this job comes prior
15 to -- family should always come first.

16 Q. And you said you had a conversation
17 with Jondrea Nicholson and then a
18 conversation with Sarah Zickefoose; is that
19 correct?

20 A. Zickefoose.

21 Q. Zickefoose?

22 A. Yeah.

23 Q. What was the outcome of that
24 conversation?

1 A. Well, I think there has been -- I
2 think you are asking me to recall like if
3 there has been more than one conversation
4 with both of them.

5 Q. No. I am --

6 A. Regarding this particular incident?
7 I mean, I think -- if I recall correctly,
8 and this is 11 months ago, I think that we
9 just looked at some ways to shift some stuff
10 around with everybody doing their part. I
11 mean, basically to summarize, it's account
12 ability with empathy, that's kind of like
13 the theme.

14 Q. And so specific to this situation,
15 do you recall what you did to shift some
16 stuff around?

17 A. Well, I think that is like within
18 the district. I think that -- if I recall,
19 this was over -- I mean, again, I am just
20 doing this by memory. Some staff don't want
21 to do like the hotel shifts. And so, you
22 know, we looked at -- I mean, everybody has
23 -- they are always busy. I mean, they are
24 -- there is not -- there is this perception

1 that state workers have all this free time.
2 That is definitely a myth because there is
3 always something going on.

4 And so I think this particular
5 issue, the employee had gotten a
6 predetermination in regards to something
7 that wasn't done on a case compounded with a
8 youth in a hotel. So I think that there was
9 a little bit of acrimony going on. So we
10 kind of talked that out. And, I mean, she
11 returned to work. I mean, things, I mean,
12 continued.

13 Q. Okay. I know you said this was a
14 year ago. Have you followed up with this
15 caseworker recently to have an understanding
16 of their workload?

17 A. I talked to this caseworker prior.
18 She no longer works for the agency. She
19 works for a private agency.

20 Q. When did she leave?

21 A. I don't have that in front of me.

22 Q. Okay. And do you have an
23 understanding of the reason that she left?

24 A. There was -- she was the subject of

1 another predetermination conference that she
2 was angry about. And, I mean, she did reach
3 out on me and we went over what the policy
4 -- you know, the policy was. I don't recall
5 the particular situation.

6 And I know that she just wanted to
7 have more free time than what -- I mean,
8 this job, I mean, they are -- I mean, you
9 can't control when a child abuse emergency
10 occurs. I mean, you can't control the
11 hours. You know, we often get called out in
12 the night. And, I mean, she did not -- was
13 not accepting of -- always accepting of the
14 accountability required of a caseworker.

15 Q. Okay. And you said she also wanted
16 more free time, which is something that case
17 workers don't necessarily have?

18 A. Well, I mean, it is not every day.
19 I mean, it's not -- you know, like if --
20 time management is required in this job. If
21 you have 25 kids on your caseload, we always
22 had like -- you want to have them seen by
23 the 20th. Have a plan. If you are in this
24 area, see these, instead of the running back

1 and forth, like be organized and see them --
2 get them seen by the 20th. A lot of
3 caseworkers, they know that they have to see
4 them monthly. They are scrambling the last
5 week of the month. I mean, if you go
6 around, their fleets of vehicles are gone
7 because they are all out trying to do them.
8 Even though we tell them not to, like
9 planning.

10 And so I think that as far as like
11 the free time -- you know, there is -- your
12 child has a dance recital on Thursday.
13 There's certain things that you have to get
14 done. You have a case plan that is due to
15 the court. So let's get it done Monday.
16 You know, like -- so I think that sometimes
17 conflicts.

18 So in order -- in fairness about
19 like their time, they are busy. I am not
20 taking away from that. And we can't control
21 when situations happen. But they don't miss
22 every event. And I am a big proponent of
23 being proactive -- you know, to plan ahead.
24 I know Thursday night this activity is going

1 on. You know, I mean, I had unexpectedly
2 had to take off on Monday of this week. And
3 the stuff that I had due was done last week,
4 not -- am I perfect? No. Was I, you know,
5 running around yesterday trying to make up
6 for, you know, something to get it done?
7 Absolutely. But, you know, I -- I worked
8 over and got it done.

9 Q. Okay. So, for example, with
10 employees like Ms. Zickefoose --

11 A. Zickefoose.

12 Q. -- Zickefoose, sometimes it comes
13 down to just better time management?

14 A. I mean, sometimes -- I am not
15 saying that like global. But, I mean, I
16 think like in the situation -- like, I
17 listen to staff. I listen to staff. But I
18 also balance that with I can't excuse you
19 from seeing a child. I can't excuse you
20 from making sure a child is safe. I can't
21 excuse you from not going to a home. Let's
22 work on this.

23 You know, one district, I just sent
24 like a time management. I sent the program

1 manager and the CWC in there to just help
2 with time management. You know, like --
3 because I looked at their caseloads. I
4 mean, I came from the field. I know what is
5 required. So when I say like -- I do
6 understand it.

7 And at times this job is
8 overwhelming. I mean, you are not always
9 invited in for tea and cookies. You know, I
10 mean. I mean, you are constantly
11 scrutinized for what you do or don't do.
12 And so, I mean, that is taxing. And I am a
13 firm believer that these workers sometimes
14 need to just step back and take a break. I
15 mean, like, you know, what can I do to help
16 you today? And like they come back kind of
17 rejuvenated.

18 Like if a worker has like a really
19 bad day in court -- no offense, but you
20 attorneys sometimes are not the nicest
21 people, you know, and they have a really
22 rough day in court, you know, take the day
23 off and regroup, and like they come back --
24 I mean, so I think as a manager, you look at

1 that. So I think that we try to accommodate
2 --

3 You know, and I did talk to this
4 employee. I think I probably have talked to
5 her, I don't know, three or four times. I
6 mean, I have looked at her disciplinary
7 issues. I have supported her disciplinary
8 issues because, again, I can't tell you it
9 is okay. Child safety is paramount to what
10 we do. And, you know, I understand that
11 nobody wants to sit in a hotel with a child.
12 I mean, I get that. But that is what
13 sometimes happens.

14 Q. And you also had mentioned that,
15 you know, a lot of workers are running
16 around at the end of the month to make their
17 monthly visits, and then they would still
18 need to input all of the information from
19 those monthly visits at the end of the
20 month, right?

21 A. Yes.

22 MS. SIEGENBERG: Objection.
23 Misstates prior testimony. Compound
24 question.

1 Q. So their workers are often
2 scrambling at the end of the month to input
3 that information into PATH as well regarding
4 their visits with children?

5 A. Yes.

6 MS. SIEGENBERG: Same objection.

7 A. Sorry.

8 Q. Okay. I am just going to turn back
9 to the page ending in 076. And looking at
10 the first full paragraph. And she talks
11 about how in February of 2023 -- or sorry.
12 In April of 2023, an ongoing worker in
13 Upshur County transferred to a new position
14 which left me being the only ongoing worker
15 in both counties carrying a caseload of over
16 76, over 120 kids to see monthly.

17 Do you see that?

18 A. Yes.

19 Q. Do you have any reason to doubt the
20 accuracy of those numbers?

21 A. I mean, all I can speak to is they
22 are stated in an email. I don't have
23 anything to compare them -- to compare them
24 to. So, I mean, I am agreeing that it is

1 stated in this email.

2 Q. Okay. After receiving this email,
3 did you do anything to check whether those
4 caseload numbers were accurate?

5 A. Again, if I had known about this, I
6 could probably have looked at more specific.
7 But I don't recall them. I don't think that
8 -- it was not what was depicted as the -- I
9 mean, the numbers were a little bit less.

10 Q. I mean --

11 A. It was high. But, I mean, it
12 wasn't -- I don't recall specifically. But
13 I do recall -- I think that it was a little
14 bit less. And I think there was assistance
15 with people helping see the kids and stuff
16 for her that the district had provided.

17 Q. Okay. So --

18 A. I am going to get a drink. Hold
19 on.

20 Q. So you had just stated that there
21 may have been assistance to see the kids.
22 Does that mean -- are you saying that a
23 caseworker could be assigned a case but
24 another caseworker would make the

1 face-to-face visits with the child?

2 A. That happens all of the time.

3 Q. And then would that case be put on
4 that other caseworker's caseload as well?

5 A. Previously they were entered as
6 secondary -- as a secondary worker. Or they
7 could type -- come back and type their
8 contact in a WordPerfect document and send
9 it, and it is entered in by contact made by
10 like that worker, like their teammate.

11 So while a worker may say they have
12 60 kids to see, reality is they may see 45
13 or -- I mean, I am just picking those
14 numbers. Because a teammate -- like I am
15 going to see three kids in Charleston today.
16 I mean, I put it out there I am going to be
17 in Charleston. I can see kids this evening.
18 So, you know, three people jumped on that,
19 and that's what I am going to do later. So
20 you know ...

21 I mean, that is pretty common
22 practice that they work together. Because
23 it doesn't make sense to send multiple
24 people to a foster home. If you are going

1 to go there, you go this month, I will go
2 next month. I mean, they rotate it like
3 that. If I recall, I think that there were
4 two workers that were assisting with the
5 visits.

6 Q. Okay. And I just want to go back
7 to what you have said about a Microsoft Word
8 document, you are saying one caseworker who
9 made the visit might write out what happened
10 in a Microsoft Word document and send it to
11 the caseworker assigned to the case?

12 A. Well, it was Microsoft. But it is
13 Google now.

14 Q. Okay. Google.

15 A. And when you are a dinosaur that's
16 been around a while, you've learned to adapt
17 to those. But now we can share like Google
18 docs -- like a document. I mean, that's
19 what I will do. I'll type it out and share
20 it with them, and they can enter it into the
21 PATH system.

22 Q. So when it shows up in the PATH
23 system, does it show that the visit was made
24 by a different caseworker than the assigned

1 caseworker?

2 A. If you looked at the first -- like
3 on the first screen for the contact, it will
4 have the person who enters it. But on the
5 screen is the contact made by. And so that
6 name is reflected there. And I always put
7 it in a narrative. I mean, that's common
8 practice that it goes in a narrative too.

9 But if you are -- if I was seeing
10 one of your children, it would come up under
11 your name just in that main list of
12 contacts. But then when you open it, you
13 clearly see who made the contact.

14 Q. Okay. So you would have to go into
15 each individual case in PATH to see whether
16 it was made by the case -- assigned
17 caseworker or by a different caseworker; is
18 that correct?

19 A. Correct.

20 Q. And I know you said that you were
21 not sure of the actual numbers of caseloads.
22 But if this caseworker did in fact have a
23 caseload of 76 cases over 120 kids to see
24 monthly, would you think that was an

1 acceptable caseload?

2 MS. SIEGENBERG: Objection.

3 Calls for a hypothetical.

4 A. There is not a yes or no. I mean,
5 in a situation with 120 kids, absolutely,
6 that does seem excessive. But, I mean, you
7 may have like a group of -- you know, if you
8 have got -- I mean, if they are in kinship
9 and you have eight in a home. I mean, I am
10 just saying you look at. It is not -- there
11 is not a right or wrong answer. But that
12 does seem high. But again, I don't know the
13 variables that were there.

14 And in a situation when you have a
15 staff leave abruptly, which I think
16 occurred, if I recall in this situation, I
17 mean, supervisors also like -- it's kind of
18 all hands on deck where they jump in and
19 help.

20 Q. Okay. And that depends on the
21 individual supervisor jumping in to help; is
22 that right?

23 A. Well, I think that's -- I think --
24 I would be surprised if there is not that

1 assistance.

2 Q. All right. I am going to mark this
3 Exhibit 3. Again, it is an email and an
4 attachment.

5 (Exhibit 3 was marked.)

6 Q. It is a very lengthy attachment. I
7 can -- well, you don't need to read through
8 all of it. You can. But I can point you to
9 specific parts of it if we discuss it.

10 A. Okay.

11 Q. So, Ms. Ellis, this is an email
12 from you to Jeffrey Pack dated September 11,
13 2023; is that correct?

14 A. Dated September 11, 2023, yes.
15 Sorry.

16 Q. Okay. Do you recall this email?

17 A. Yes.

18 Q. Okay. What did you do after
19 receiving this email?

20 A. I went to Marion County. I was
21 scheduled to I think be there on a Thursday
22 or -- I mean, I ended up like going the day
23 before. I was coming back from Berkeley
24 County and was actually stopping at Harrison

1 County. And I talked to the manager. And I
2 actually went there like a day earlier. I
3 mean, I spent the day there. I talked to
4 multiple staff in the office. Jessica
5 Embrey is the senior worker included. I
6 gathered information. I asked for some of
7 those cases to be reviewed by the program
8 manager or child -- CWC. Went through
9 those.

10 I worked with -- I mean, like we
11 got a mentor for the intake supervisor. We
12 worked on some organization. I talked to
13 both supervisors about like presenting as a
14 united front working together, not
15 criticizing the other one. In gathering all
16 of the information, I think that the
17 perceptions were definitely different on
18 casework. I think the correct response was
19 somewhere in the middle between like the two
20 of them.

21 I started working with their data.
22 I had conversations with our prosecutor. I
23 met with them. We followed up. Pulled in
24 some resources to help the district. Made

1 sure the manager was more engaged.

2 Q. Okay. And you see in this email to
3 Mr. Pack, you say -- you're talking about
4 Marion County. And you say I think that the
5 district is toxic?

6 A. Uh-huh.

7 Q. What did you mean by that?

8 A. Well, I mean, just -- I think it
9 just -- like the supervisors, one critiquing
10 the work of the others to frontline staff.
11 I mean, just like a toxic -- when I say
12 toxic, like it just wasn't a positive
13 atmosphere. I mean, they have a stressful
14 enough job. They just compounded it with
15 managers having conversations with frontline
16 staff, some like not speaking to the other
17 one. The manager either didn't or did not
18 handle it in the best manner.

19 So I am just kind of more head-on.
20 We just kind of put it all out there and
21 dealt with it. So that's what I meant about
22 the prosecutor talking -- the prosecutor
23 having conversations with frontline staff
24 about other staff. A manager just like of

1 the whole district needed some
2 reinforcement.

3 Q. Okay. So I just want to clarify.
4 You said -- I believe you said that there
5 were two managers, and they had different
6 views on casework, and it was somewhere in
7 the middle?

8 A. Well, no. Just the perception.
9 Like with -- I mean, Ms. Embrey is a -- or
10 was a senior worker. And, I mean, her
11 critique on somebody else's casework. You
12 know, like we looked at were they within
13 policy? Were they within policy? And if
14 they weren't, we had some conversations on
15 how to, I mean, make sure that that was
16 happening about the follow-up, working with
17 the one supervisor who definitely was on the
18 -- not the supportive end. And so like we
19 worked with that.

20 Q. When you say you looked at whether
21 they were in policy, what do you mean?

22 A. Well, I asked for them to be
23 reviewed, to be reviewed by the program
24 manager -- we're a child welfare consultant

1 -- to review the cases. When I met with
2 her, I was given certain cases. And some of
3 the information -- some of the information
4 that like I was provided -- I am not saying
5 it was embellished. It was a little bit
6 more dramatic than what occurred, if that
7 makes -- like the concerns that -- I mean,
8 that Ms. Embrey had, I mean, they were, you
9 know, in that.

10 Say, for example, you have to get
11 medical records like on a drug-affected
12 infant that's within our policy to get the
13 birth records. That supervisor was
14 requiring them to get medical records
15 unnecessarily sometimes on other cases. I
16 mean, she just took it literal. You have to
17 have medical records and apply ut to that
18 case. But nobody like took the time to have
19 that conversation with her. They just kind
20 of sat back and critiqued her. Like there
21 just wasn't that support.

22 So when I say like their perception
23 was -- it is perception. You know, on a
24 drug-affected infant, we do need medical

1 records. We don't need it for a dirty house
2 referral, you know, different things like
3 that. While I appreciate the thoroughness,
4 it wasn't necessary. But nobody ever like
5 worked with that supervisor to like clarify
6 that for her.

7 Q. So in terms of the issues
8 identified, you are noting that there was an
9 issue with a supervisor asking caseworkers
10 to take certain steps that were unnecessary;
11 is that right?

12 A. Unnecessary or -- yeah. I mean, if
13 there are -- whatever issues -- and I don't
14 recall specifically what they were. I do
15 remember about the medical records. But, I
16 mean, about, you know, enforcing quiet time,
17 not staffing during quiet time to give staff
18 that two hours a day, to benefit that from
19 getting their contacts in.

20 And, you know, like -- I mean, just
21 suggestions if Julia came in to staff a
22 case, you are staffing a case with me, I had
23 a notebook there like writing it down.
24 Because, you know -- and, you know, I had

1 instituted when I was a supervisor putting
2 your contact in, I will read your contact
3 and then we will talk about it. And that's
4 really hard to enforce with workers because,
5 I mean, they need the staff then. But when
6 they come in, put your contact in and we
7 would talk about it. And, I mean, I shared
8 that that's hard to stay on top of. You
9 know, so I kept a notebook.

10 You know, just suggestions like
11 that to help the supervisor. And, you know,
12 you have to stop doing this. You have to
13 focus on this when they are staffing a case.
14 And you have to ask the right questions to
15 get all of the information. You know, did
16 you do this, did you do this. And, I mean,
17 so just some like supportive suggestions to
18 the supervisor.

19 Q. So you mentioned something about
20 with the supervisor with regard to the
21 two-hour quiet time to input documents.
22 What was the supervisor who you were
23 discussing you needed to talk to, what was
24 that supervisor doing with regard to the

1 two-hour quiet time period?

2 A. Well, she was allowed on staff to
3 come in and talk and staff cases with her.
4 I mean, and -- you know, just that's their
5 time to get the documentation in. So that
6 two hours, you have got to be rigid in
7 giving them their time. You know, so just
8 -- I mean, she wasn't doing anything
9 inappropriate. I mean, she was just
10 staffing cases.

11 And we just talked about -- you
12 know, 10:30, they can fight over who gets in
13 your office first. But that 8:30 to 10:30,
14 let them have that time. They need to be,
15 you know, in their chair at 8:30 getting
16 information inputted.

17 Q. Okay. And as we talked about, if
18 they don't get that information in during
19 that time, there may be some mandated
20 overtime to put that information in?

21 A. Well, I mean, yeah.

22 Q. Okay. And is Ms. Embrey still with
23 the department?

24 A. She is.

1 Q. Okay. And here she mentions
2 that --

3 A. Are you still on --

4 Q. Yes. I am still on 650.

5 A. Okay.

6 Q. In this email, she mentions a
7 little over two years ago, we had a child
8 murdered in our county at the hands of his
9 mother's boyfriend. This murder also led to
10 a supervisor and a worker in the office
11 being terminated, as well as arrested.

12 What is she talking about here?

13 A. I mean, there was a previous case
14 when Mon and Marion were a district in which
15 a child was, if I recall, physically abused
16 and died as the result of I think it was the
17 mother's boyfriend. And it was an open
18 case. An open case. And both the
19 supervisor and the worker were criminally
20 charged as a result of their actions or lack
21 of actions in that case.

22 Q. Okay.

23 A. And she -- Ms. Embrey actually was
24 the worker who responded on that case. And

1 I think -- I mean -- yeah.

2 Q. And this was in you said a little
3 over two years ago. So this would have been
4 maybe 2021? 2020?

5 A. That's what it says. I wasn't
6 personally involved in the case.

7 Q. Okay. And then she says in the
8 second full paragraph, I have grave concerns
9 that our office is back on that same path.

10 Do you see that?

11 A. Uh-huh.

12 Q. Do you have an understanding after
13 speaking to her of what she is talking about
14 in terms of the office being on the same
15 path?

16 A. She didn't agree with -- she didn't
17 agree with some of the casework decisions.

18 Q. What did she not agree with with
19 respect to some of the casework decisions?

20 A. That the children -- I don't --
21 again, I don't recall specifics. But that,
22 you know, a worker went to the home and
23 didn't make contact. They didn't go back
24 that day. I mean, things like that. I

1 mean, very outspoken and critical of the
2 actions of the caseworker. If they weren't
3 home the first time, she felt they should be
4 back that evening the next morning. Because
5 that was the actions that she would have
6 taken.

7 Q. Okay. And did you agree with her
8 that those actions should have been taken?

9 A. I didn't agree or disagree with
10 her. I listened and gathered information in
11 my conversations with her.

12 Q. And with respect to her concerns
13 about caseworker contacts, did you take any
14 actions?

15 A. Again, I asked for the cases to be
16 -- I mean, the cases to be reviewed by our
17 program manager or CWC. And I don't recall
18 who was assigned to that. And, I mean, I do
19 recall there wasn't like glaring actions
20 that the department had failed at. I mean,
21 I do -- I mean, there wasn't something we
22 need to fix this right now. I do recall
23 that. But I reviewed those with them.

24 And, you know, on situational

1 things that we could have, you know -- I
2 mean, we have a statewide. We make contact.
3 If we get a referral in, we start that day
4 and we continue daily until we make contact.
5 So there's lots of corrections that have
6 been put in place like as far as the
7 contact. You know, previewing the contacts.

8 And, you know, if you -- like we
9 report that every week in a data meeting.
10 And they can tell you -- like, and I meet --
11 in addition to the managers, I meet with all
12 of the intake supervisors weekly. And they
13 can tell me if they didn't make this
14 contact, they tried on the 5th, the 6th, the
15 7th, the 8th. They went at eight o'clock at
16 night, they went at 7:30 in the morning,
17 like all of their attempts.

18 You know, I get emails from
19 frontline, intake supervisors, any more
20 suggestions, like they called the police,
21 they have had them checked. Like, you know,
22 like what -- like there was -- you know,
23 most recently they were looking for somebody
24 that was homeless. A homeless. And, you

1 know, they involved law enforcement. She
2 said any suggestions -- I said law
3 enforcement generally knows a lot of your
4 homeless population. And they were able to
5 find them.

6 So, I mean, not me specifically,
7 but we do have a statewide and we report
8 those. Like in the data, if contacts aren't
9 made, then we are aware of it within that
10 week. And so what have you done to do it?

11 Q. And you said that the contacts in
12 PATH are all inputted by the individual
13 caseworkers?

14 A. Correct.

15 Q. And then she says in this second
16 paragraph down, There have been numerous
17 cases that have resulted in a child being
18 physically injured, raped, bitten by rats
19 and exposed to further domestic violence
20 since I first brought this to the attention
21 of my superior a year ago.

22 Did you look at all of cases that
23 she suggested resulted in children being
24 harmed?

1 A. Okay. Well, she brought those to
2 somebody that wasn't me like the year
3 before. The cases that she provided me, I
4 did look at.

5 Q. Okay. And you didn't see any
6 errors?

7 A. Well, I mean, and they were given
8 -- I am not going to say -- I mean, if I
9 looked at your work, I probably would find
10 an error. I mean, like we are humans. We
11 do make errors. But not anything again that
12 was glaring that needed immediate.

13 So like some of this stuff that --
14 I mean, this was like September. And she
15 had brought those like a year before. You
16 know what I mean, like those cases. The
17 cases that she gave me, the lists, like I
18 took information that day. And I don't
19 recall. There may have been, if I had to
20 guess, five to ten like cases that were
21 reviewed.

22 Q. So of those five to ten cases were
23 more recent cases?

24 A. Some of them referred like -- I

1 think some of them were really old and the
2 department's involvement wasn't there. It
3 was to point out the error of that
4 supervisor.

5 Q. Okay. I am marking this as
6 Exhibit 4.

7 (Exhibit 4 was marked.)

8 (Witness reviews document.)

9 Q. Ms. Ellis, tell me when you are
10 ready.

11 A. Okay. I am ready.

12 Q. Okay. This is an email. The top
13 email is one sent from you to Jeffrey Pack
14 on 11/3/23; is that correct?

15 A. Yes.

16 Q. And it forwards an email sent to
17 you from Daniel Lefeber?

18 A. Lefeber.

19 Q. Lefeber. Ms. Ellis, do you recall
20 this email?

21 A. I do.

22 Q. Okay. Who is Mr. Lefeber?

23 A. He is an intake supervisor in the
24 Berkeley office.

1 Q. Okay. And do you have any reason
2 to doubt the information, the accuracy of
3 the information he provided you in his
4 email?

5 MS. SIEGENBERG: Objection.
6 Vague. Is there a specific piece of
7 information that you are asking her about in
8 the email?

9 MS. TEBOR: I'm asking her about
10 the email.

11 You can answer.

12 A. That's his perception. I have no
13 reason to doubt that, no.

14 Q. Did you do anything to follow up on
15 Mr. Lefebber's email aside from sending it to
16 Mr. Pack?

17 A. This is a district that I have
18 spent time in. I have in a sense tried to
19 organize them. I have worked with the
20 manager. I have worked with the manager
21 trying to set -- trying to migrate them from
22 the way it was to the way it is. And, I
23 mean, I have spent time in the -- I mean, I
24 have spent the day in the -- when I go

1 there, like of days. Generally there's --
2 we will do an evening meeting. But like
3 during the day, it's just watching their
4 staff.

5 I have participated in their what
6 we call flash meetings in the morning with
7 their intake staff. I have the link to that
8 and I pop into that. I have done that. I
9 have spent, I don't know, numerous hours
10 working with this district to -- from
11 informal to formal implementation to change
12 expectations and practice.

13 I just most recently yesterday and
14 today have different -- I pulled different
15 teams from different counties to go in and
16 assist with seeing like kids -- I mean,
17 seeing like on the referrals. Tried to --
18 it's a process -- trying to remove any
19 barriers they see or excuses to being able
20 to perform their job.

21 I required the manager and
22 supervisors to take three referrals a week
23 and go out and make the face-to-face to
24 assist their staff. Required them to enter

1 data for staff.

2 I have pushed ongoingly -- if
3 that's -- ongoing in regards to getting
4 staff and -- to get staff in. We have added
5 a second manager, two SSMs. That actually
6 that manager starts -- we hired that
7 manager, and they start on Monday. So I
8 will have two managers there. And we have
9 added an additional supervisor into that.

10 I meet with their supervisors
11 weekly. And I have been doing that except
12 for probably like the last three weeks to a
13 month. It has not been as consistent with
14 people out on vacation and different things.
15 So I am actually headed there on Sunday. I
16 will be up there at the beginning of next
17 week.

18 Q. Okay. And it seems like the work
19 that you are doing that you are talking
20 about with the county and sort of just your
21 general work with the county, did you do
22 anything specific with regard to Mr.
23 Lefebber's concerns?

24 A. Well, I mean, again, like it is

1 ongoing. Specific to that, we talked about
2 -- I mean, I talked to his -- his name is
3 Dan. I talked to Dan. I talked to the
4 individual supervisors outside of the
5 manager. And I took input on what they --
6 what their suggestions are and fostered a
7 more collaborative where their input is
8 taken into consideration.

9 We have added crisis workers to
10 assist with the caseloads. As an agency, we
11 have a position that is kind of unique to
12 this and to another district, an associate's
13 position that allows them to investigate.
14 Like, I have worked with like one area. I
15 mean, like this is a huge district.

16 Q. Yeah.

17 A. And so, you know, like personnel is
18 the first one working with them. You know,
19 I have talked to the manager about like her
20 staff's perceptions and how her perceptions
21 may vary and encouraged, enforced her to be
22 more involved.

23 Q. Now, you have talked about an
24 associate position doing investigations.

1 What is that position?

2 A. It is a position that it is a
3 certain -- in certain districts that the
4 requirements for a regular CPS worker do not
5 apply. They are allowed -- we have worked
6 with our -- when I say we, not me
7 personally. Our agency has worked with the
8 Board of Social Work Examiners of West
9 Virginia to allow people like a retired
10 police officer to help us assist with
11 investigations. And like I said, again, it
12 is unique to circuits in the state.

13 Q. How many circuits in the state have
14 this?

15 A. Two.

16 Q. Two. Okay.

17 And is there any specialized
18 trainings for these associate --

19 A. Well, I mean, with any position
20 with the department, there is training.

21 Q. Yeah. Do they have any social work
22 -- do they need to have any social work
23 background?

24 A. During an investigation. I mean,

1 there are people -- it is related -- I mean,
2 related field to social work. I mean, or
3 like an ideal person would be like a retired
4 police officer, probation officer that is
5 familiar with the system.

6 Q. And they are performing the
7 investigations into referrals and --

8 A. The investigations, yeah.

9 Q. Sorry. Let me just finish my
10 question so it is clean.

11 A. Oh, sorry.

12 Q. They're performing investigations
13 into the initial referrals of abuse and
14 neglect?

15 A. That is correct.

16 Q. Okay. And you said there's two
17 circuits in which this is happening. What
18 are those circuits?

19 A. Berkeley, Jefferson. And Braxton,
20 Clay, Gilmer and Webster.

21 Q. Do you know how many associate
22 positions there are?

23 A. Four.

24 Q. Four?

1 A. Two for each.

2 Q. Two for each.

3 MS. SIEGENBERG: We have been
4 going for about an hour. So whenever is a
5 good point for a break.

6 MR. MEADE: We are getting
7 close.

8 MS. TEBOR: Yeah. Let me just
9 finish up with this document, and then we
10 will take a break. Does that sound good?

11 MS. SIEGENBERG: Okay.

12 Q. Do supervisors also have mentoring
13 roles?

14 MS. SIEGENBERG: Objection.
15 Vague.

16 Q. Let me ask you about a specific
17 area.

18 Okay. So I am looking at page
19 ending in 594.

20 A. Okay.

21 Q. Okay. And if you look at the
22 paragraph that starts with Solution. So
23 Daniel says -- let's see, one, two, three,
24 four, five lines down --

1 A. Okay.

2 Q. -- when having workers perform
3 duties outside of their normal role, it
4 takes longer and it's more errors which then
5 requires rework. I need more time to
6 develop to devote to helping new staff. I
7 know the idea is for seniors to take on that
8 role. And in theory, that is what happens.
9 In our district, the senior has too many
10 complex cases to have time to perform a
11 mentoring supportive role to new staff. As
12 a result, it falls on the supervisor and I
13 am struggling.

14 Do you have an understanding of
15 what he is talking about here?

16 A. I do.

17 Q. Okay. What is he talking about?

18 A. Well, I mean, basically in a
19 nutshell, he is wanting more time to develop
20 new staff, like to go in the field with
21 them. I mean, and this job experience is
22 the best teacher to be there to mentor them
23 in realtime.

24 Q. And he doesn't feel that he has

1 that time?

2 A. No.

3 Q. Okay. And so any supervisor that
4 is taking on a mentoring role also is taking
5 that on on top of their current job duties?

6 MS. SIEGENBERG: Objection.

7 Vague.

8 A. It is a part of their job duties,
9 is to develop their staff.

10 Q. Okay. In going back to the page
11 ending in 593, in the third full paragraph
12 down. He talks about how Marla McQuown, I
13 am not sure how to pronounce her name, is an
14 ongoing supervisor carrying 100-plus cases.
15 Do you see that discussion?

16 A. You're in third paragraph?

17 Q. Yeah. One, two, three --

18 A. Okay. Okay.

19 Q. Yeah.

20 Did you have an understanding that
21 there were some supervisors with over 100
22 plus or carrying 100-plus cases?

23 MS. SIEGENBERG: Objection.

24 Vague.

1 A. Okay. Ask me. I'm sorry. I am
2 reading.

3 Q. Did you have an understanding that
4 there were supervisors carrying 100-plus
5 cases?

6 MS. SIEGENBERG: Same objection.

7 A. Again, I think like on -- when we
8 looked at like the caseloads, there were
9 cases that -- I mean, they were behind in
10 getting cases sent. I think at one point,
11 like we pulled 22 cases from one worker, I
12 don't know if it was Marla or not, and sent
13 them to the adoption units. It is a matter
14 of getting them staffed and the thing. So,
15 I mean, there is -- I am not aware of
16 anybody that has a hundred cases that are
17 actual cases they are working. I will just
18 say that.

19 Q. Okay. And when you say -- when you
20 are talking about how you pulled 20 cases
21 and sent them to adoption, right, while
22 those cases are with a particular caseworker
23 or supervisor, there are still actions that
24 need to be taken with regard to those cases;

1 is that correct?

2 A. There are some actions, yes.

3 Q. Okay. And turning to 594 again.

4 Daniel says -- it is under the heading that
5 says Courts. One, two paragraphs down says,
6 The ongoing unit is absolutely a mess.

7 Workers do not even know which cases they
8 have. I have no idea how they are expected
9 to make a hundred percent face-to-face
10 visits. There's no reliable mechanism to
11 assign track and manage the cases in child
12 visits.

13 Do you agree that the ongoing unit
14 was a mess?

15 MS. SIEGENBERG: Objection.
16 Vague.

17 A. I don't think that -- I think there
18 was a lot of lack of organization and logs
19 not being kept. I mean, I don't know that
20 -- I don't know. A mess is not the word
21 that I would use.

22 Q. And what logs were not being kept?

23 A. Well, I mean, like a child in
24 custody, a log of like every child listed in

1 custody, where their placement is, who their
2 provider is, that -- as far as -- you know,
3 I mean, that is a backup to the kids and
4 children in custody.

5 MS. TEBOR: All right. I think
6 now is A good time for a five-minute break,
7 or ten minutes -- did you want ten minutes
8 or five minutes.

9 MS. SIEGENBERG: Five minutes is
10 fine.

11 (Break in proceedings from
12 11:35 a.m. to 11:47 a.m.)

13 BY MS. TEBOR:

14 Q. Ms. Ellis, we are back on the
15 record. If you are looking at Exhibit 4, I
16 will turn your attention to the page ending
17 in 595.

18 A. Okay.

19 Q. And if you look under Community,
20 Daniel, Mr. Lefeber, says, Quite frankly, we
21 have a lack of services. This hinders the
22 ability of workers to be productive and be
23 able to develop skills to be successful. It
24 is difficult when they are not the services

1 available that the court and policy
2 requires.

3 Do you agree that there is a lack
4 of services?

5 A. I do, yes. There is a lack of
6 services in that district.

7 Q. Okay. Specifically in that
8 district?

9 A. In that -- yes. In that district.

10 Q. Okay. Is there a lack of services
11 in other districts?

12 A. Well, I mean, some districts are
13 more provider rich than others. This is one
14 that -- like if -- and I am doing this again
15 by memory. Like for visitation, getting
16 visitation supervised or -- so ...

17 Q. Okay. So if there is a lack of
18 supervising providers for visitation, then
19 it will be harder to schedule visitation
20 between a parent and a child; is that
21 correct?

22 MS. SIEGENBERG: Objection.
23 Calls for speculation.

24 A. There is a lack of ASO, which is

1 who we contract with providers. So like in
2 this district, they think outside the box.
3 They have like other different agencies that
4 are supervising visitation.

5 Q. Okay. And do you have an
6 understanding of what he means when he says
7 this hinders the ability of workers to be
8 productive?

9 A. Trying to -- I mean, this is my
10 assumption. Like assuming trying to find
11 somebody to supervise the visits, to
12 supervise the visits that -- it takes a
13 little bit of time. You just can't make one
14 phone call. You may have to call multiple
15 places.

16 Q. Okay. And he says shelters, child-
17 placing agencies, in-home services,
18 reunification services, supervised visits,
19 parenting, et cetera, are all scarce to
20 nonexistent. Would you agree with that
21 statement?

22 A. I don't -- no. I don't agree with
23 that.

24 Q. Okay. Why don't you agree with

1 that?

2 A. Well, I mean, child-placing
3 agencies are statewide. They are statewide.
4 So I don't know what he is referencing
5 there. Where are you at on this page? I'm
6 sorry.

7 Q. Oh, sorry. Yeah. Under Community.

8 A. Okay. I mean, shelters -- I mean,
9 we have shelters statewide. The
10 reunification services is the supervise,
11 visiting in parenting. I spoke to that.
12 And so, I mean, they do have a lack of ASO
13 service providers there. But again, they
14 have got other resources that other
15 districts don't have that are non-ASO.

16 Q. And what does ASO stand for?

17 A. I don't know.

18 Q. That's fine. We can look it up.

19 A. Socially necessary -- I mean, like
20 it is our services.

21 Q. Yeah, yeah.

22 A. You just caught me offguard there.
23 Sorry.

24 Q. Sure. No problem.

1 And he also talks about in-home
2 services. Do you agree that those are
3 scarce to nonexistent?

4 A. I agree that this -- there is
5 limited providers.

6 Q. And what in-home services are there
7 limited providers for?

8 A. Well, I mean, like in parenting,
9 parenting life skills. Those type of --
10 they have -- they utilize something up there
11 called life coaches that other districts
12 don't have where they might not have it as a
13 traditional ASO service. I mean, they do
14 have like life coaches that, you know, teach
15 them a lot of the life skills that it covers
16 over in visitation. They cover a lot of the
17 parenting in realtime as it is happening.
18 You know, don't give in to them, set clear
19 expectations, set boundaries. So while it
20 might not be a traditional ASO, they have
21 their day report center, their -- I mean,
22 they are doing some of the visitation, some
23 of the parenting.

24 Q. Okay. So at least with regard to

1 this district or this county, caseworkers
2 need to go outside of the traditional
3 services to get --

4 A. Yeah. I mean, I was -- you know.
5 I mean, I spent a day up there in a
6 training. And I was amazed that some of the
7 -- you know, like the life coach. Because
8 that's not something -- but, I mean, they
9 work with the parents to teach them problem
10 solving and listen to the workers like in
11 their testimony. We did, you know, mock
12 court training, and they talked about what
13 the life coach could do. And, you know, the
14 attorneys questioned them. I mean, so they
15 do have resources, just maybe not the
16 traditional ones.

17 Q. And that's because -- and so the
18 individual caseworkers have been resourceful
19 in finding alternative resources?

20 A. Right. And I think it is a
21 collaborative effort with that with the
22 court.

23 Are we done with this one?

24 Q. Yes. We are done with this one.

1 I am marking this as Exhibit 5.

2 (Exhibit 5 was marked.)

3 Q. Ms. Ellis, do you recognize this
4 email?

5 MS. SIEGENBERG: Give her a
6 minute.

7 A. Yes, please.

8 Q. Sure.

9 (Witness reviews document.)

10 A. Okay.

11 Q. I want to turn your attention to
12 the page ending in 089.

13 A. Okay.

14 Q. If you look one, two, three
15 paragraphs down, it says, I have taken
16 worker off this email, Amber Posey, [REDACTED]
17 youth social worker, requested an At-Risk
18 staffing to discuss [REDACTED] on 8/14/23.
19 Melinda met with Amber on 8/16/23. It does
20 not appear that any of the recommendations
21 that Melinda made were followed. Does not
22 appear that we offered any services to this
23 youth or his mother, although it is
24 difficult to determine what has transpired

1 in this case, as there are no contacts, no
2 YS assessment, no case plan, etc.

3 Do you see that section?

4 A. Uh-huh.

5 Q. Do you recall receiving this
6 complaint?

7 A. Not specifically. But I am not
8 denying that I did, I mean, so ...

9 Q. Do you recall doing anything to
10 follow up with regard to this caseworker
11 Amber Posey?

12 A. I don't, I mean, recall
13 specifically what -- I mean, general when an
14 email is done like this, like they are -- it
15 would have been the manager who -- I mean, I
16 would have had a conversation with the
17 manager, not directly the worker. So I
18 don't recall.

19 Q. Do you recall having a conversation
20 with Melinda to discuss this issue?

21 A. I don't recall a specific
22 conversation with Melinda. I mean, I am
23 included on emails obviously.

24 Q. Okay. So the department depends on

1 the individual caseworkers to obtain and
2 coordinate services for foster children; is
3 that correct?

4 A. Well, I mean, it is initiated with
5 our caseworker. And it should be followed
6 up with a supervisor. You know, any child
7 that is at risk of an out-of-home placement,
8 I mean, there is a process that should be
9 followed. Obviously it wasn't. So if
10 that's what you are asking.

11 Q. And it appears from this email that
12 there were recommendations made to the
13 caseworker at least as of August 16, 2023,
14 and there were no services, no follow-ups
15 until October 4, 2023. Is that your reading
16 as well?

17 MS. SIEGENBERG: Objection.
18 Vague.

19 A. That's what it says.

20 Q. Okay. And how is it possible that
21 there was a month and a half where there
22 were no contacts and no service with this
23 child?

24 MS. SIEGENBERG: Objection.

1 Calls for speculation.

2 A. I can't speak to this individual.

3 I mean, I wasn't involved. I mean, I became
4 aware when everyone else did. So I can't
5 speak to how or why this happened.

6 Q. Okay. And do you know if Amber
7 Posey is still working for the division --
8 or for the department? Sorry.

9 A. I do not.

10 Q. And it appears from this email that
11 -- it says in the second-to-last line, the
12 worker did not follow up until October 4,
13 2023, at which time out-of-state referrals
14 were already made with a few facilities
15 accepting [REDACTED], including Kidspeace.

16 So the child received no services
17 and then was sent out of state; is that
18 accurate?

19 MS. SIEGENBERG: Objection.

20 Calls for speculation.

21 A. According to -- I mean, that's what
22 is stated in the email.

23 Q. Okay. And then if you go two
24 paragraphs down, it says, It is reported

1 that the district never received the QIA
2 that was referred on August 7, 2023.

3 What is the QIA?

4 A. Where are you at in the --

5 Q. Sorry. Two paragraphs down from
6 where I was.

7 MS. SIEGENBERG: It's right in
8 here, this line (indicating).

9 A. Okay. The QIA is an independent
10 assessment for a child to make
11 recommendations for that child's need to
12 keep -- that we go with the least
13 restrictive. It is an assessment process.
14 That's referred outside of our agency.

15 Q. Okay. So the QIA makes an
16 assessment as to what a child needs to stay
17 in the least restrictive environment?

18 A. It makes recommendations.

19 Q. Okay. And who performs the QIA?

20 A. Independent of -- I mean, there is
21 different -- it's referred outside of the
22 agency, different providers.

23 Q. Okay. And if a QIA is not
24 received, does that mean that the child is

1 not receiving services that could keep that
2 child in the least restrictive environment?

3 MS. SIEGENBERG: Objection.

4 Calls for speculation. Incomplete
5 hypothetical.

6 A. Can you repeat that? I'm sorry.

7 (The preceding question was read
8 back by the court reporter.)

9 MS. SIEGENBERG: Same objection.

10 A. Not necessarily. I mean, services
11 can be initiated without the
12 recommendations. Even if a child sitting in
13 a shelter, for example, services are
14 initiated. It is information gathering, an
15 assessment to make the best recommendation
16 for that child. So it doesn't -- not
17 necessarily -- doesn't mean they are not
18 getting services, it just means they don't
19 have the recommendations.

20 Q. Okay. And in this case, the child
21 didn't have services before receiving any
22 QIA?

23 MS. SIEGENBERG: Objection.

24 Calls for speculation.

1 A. That's what is included in the
2 email.

3 Q. Okay. And are you aware of issues
4 with delays in receiving the QIAs?

5 A. I don't think that is a consistent
6 issue. It is not brought to my attention a
7 lot. But there has been situations where --
8 I mean, there has been a delay from a
9 provider or difficulty contacting our worker
10 or the worker changed and the information --
11 (Interruption in proceedings.)

12 BY MS. TEBOR:

13 Q. Let me turn your attention --
14 actually, first, before we move on -- to the
15 page ending in 088.

16 A. Okay.

17 Q. So I just want to clarify the QIA
18 referral process. I know you said that the
19 QIAs are performed by an outside provider.
20 But the referral itself to the QIA -- sorry
21 -- the referral itself to the QIA is made by
22 the individual caseworker; is that correct?

23 A. Correct.

24 Q. And looking at page 088, so we are

1 looking at -- let's see -- the second --
2 there's bulleted paragraphs. It's the
3 second bulleted paragraph down. And it
4 says, The QIA process requires that when a
5 child is determined to be at risk for
6 residential placement (any not just out of
7 state), a QIA referral is to be made within
8 24 hours. Even though we knew the child was
9 adjudicated when we opened the case on
10 July 11th, we are undoubtedly aware that the
11 youth was at risk and the QIA referral was
12 not made until the 7th of August. The QIA
13 referral in process is required per our
14 agreement with the U.S. Department of
15 Justice.

16 Do you see that?

17 A. Yes.

18 Q. So there was a month delay between
19 when the caseworker was aware of the risk of
20 residential placement and when they even
21 made the initial QIA referral; is that
22 correct?

23 MS. SIEGENBERG: Objection.

24 Vague. Calls for speculation.

1 A. It appears.

2 Q. Do you track any data as to when
3 QIA referrals are made?

4 A. I personally don't. The supervisor
5 or the manager have their tracking systems.

6 Q. Do the supervisor and manager track
7 data as to when QIA referrals are made?

8 A. Have I seen their log? No. But, I
9 mean, when we talk about cases, about kids
10 going out of state, they can tell me the
11 date that it was made. So they are tracking
12 it somehow.

13 Q. Okay. So they are tracking it for
14 each individual case as to when the QIA
15 referral is made; is that correct?

16 MS. SIEGENBERG: Objection.
17 Misstates prior testimony.

18 A. When we talk about kids going out
19 of state, I mean, they can say this is what
20 the QIA recommended. The court wants to put
21 this child out of state. You know, so we
22 can share the recommendations. You know,
23 and ultimately the court has the final say.
24 So they are tracking it somehow, to answer

1 your question.

2 Q. When you are provided with this
3 information, are you also provided with
4 information about the timing of the QIA
5 referral?

6 MS. SIEGENBERG: Objection.
7 Vague.

8 A. Not every case.

9 Q. On some cases, are you provided
10 with the timing of the QIA referral?

11 A. I mean, on occasion I have been. I
12 mean, especially if there is a delay. If
13 there is a delay, then I am usually
14 notified.

15 Q. Okay. And would you do anything --
16 or did you do anything as a result of being
17 notified about a delay in the QIA referral?

18 MS. SIEGENBERG: Objection.
19 Vague.

20 A. Are you asking specific to this
21 situation?

22 Q. That's fair.

23 So specific to this situation, did
24 you do anything with regard to the delay in

1 the QIA referral?

2 A. I think I told you, I had a
3 conversation with a manager -- with the
4 manager. And I don't know specific to this
5 district. We have brought in the training
6 for the QIA assessment. We have repeated
7 the training for some districts. I don't
8 recall if this was one of them. We have had
9 program managers or a CWC come in unit
10 meetings again to talk about the importance
11 and the reasoning behind this. Again,
12 specific to this case, I don't recall.

13 Q. Okay. I'm going to go --

14 MS. SIEGENBERG: Before moving
15 on from this exhibit, Defendants are going
16 to request that Exhibit 5 is maintained
17 under seal because it contains protected
18 information.

19 MS. TEBOR: Agreed.

20 Q. I'm marking this as Exhibit 6.

21 (Exhibit 6 was marked.)

22 Q. Ms. Ellis, how does a caseworker
23 evaluate whether a child should be placed in
24 an institution versus in the community?

1 A. I'm sorry. I was reading. Can
2 you --

3 Q. Yeah. Sure.

4 A. I'm sorry.

5 Q. How does a caseworker determine
6 when a child should be placed in an
7 institution versus place in a
8 community-based setting?

9 MS. SIEGENBERG: Objection.
10 Incomplete hypothetical. Calls for
11 speculation.

12 A. Any case, unless it is something
13 egregious, is going to start with services.
14 You know, like if they are ordered into an
15 out-of-placement setting -- I mean,
16 generally, like a foster home or if it is a
17 youth, a shelter, and -- you know, I mean
18 that's generally our initiation into the
19 case, getting to know this child.

20 Evaluations -- evaluations. If a
21 child is in a shelter, they get a
22 psychological evaluation. The QIA like
23 assessments, they look at that to make the
24 determination. I mean, it is not just

1 random, you know.

2 Q. And who is providing the
3 recommendation as to where a child is going
4 to be placed? Is it the caseworker, the
5 supervisor or a combination?

6 A. Okay. I am going to ask you a
7 question.

8 Q. Sure.

9 A. Recommendation to who? You are
10 asking who provides the recommendation?

11 Q. Sure. Sure. That's fair. I will
12 strike that question. And I will -- let's
13 start it again. Well, strike that. Let's
14 just look at this email. I think that might
15 be easier to talk about in context.

16 So I am looking at the email marked
17 as Exhibit 6. This is an email from Lorie
18 Bragg to you on August 28, 2023. Is that
19 correct?

20 MS. SIEGENBERG: You can have a
21 chance to finish reviewing the document.

22 A. Yes.

23 Q. All right. And if you look at the
24 bottom email from -- I'm sorry. Do you

1 recall receiving this email from Lorie
2 Bragg?

3 A. I mean, I am acknowledging that I
4 received it. I don't recall it specific.

5 Q. Okay. Do you recall this issue at
6 all or anything having related to this
7 email?

8 MS. SIEGENBERG: Objection.
9 Vague.

10 A. If I recall, there was some
11 information that was maybe not included in
12 an assessment. I don't specifically recall.

13 Q. Okay. And just looking at this
14 email, the bottom one from Lorie Bragg says,
15 This kid is currently at Lakeland and they
16 recommended he return home. The worker
17 believes they are lying and had the judge
18 order him to Liberty Point. This is
19 completely inappropriate. Why did we pay
20 Lakeland 1500 a day for recommendations if
21 we are not going to follow them? And now
22 instead of putting the supports this kid
23 needs to be successful in his home, we are
24 sending him to another out-of-state

1 placement.

2 Do you see that?

3 A. I do.

4 Q. Okay. Did this child ultimately --
5 do you have an understanding of whether this
6 child was ultimately placed out of state?

7 A. I don't recall.

8 Q. Okay.

9 A. I don't even know who this -- I
10 mean, maybe I am missing a name. But I
11 don't even see a name on here.

12 Q. Okay. And why would the workers --
13 strike that.

14 And then if you look above, you see
15 on August 25, 2023, at 2:53, Lorie Bragg
16 also says both Lakeland and the QI have
17 similar recommendations. I don't understand
18 how we go from family setting to PRTF.

19 Do you see that as well?

20 A. I do.

21 Q. Okay. And the QI is the assessment
22 that we were talking about previously as the
23 children being in the least restrictive
24 setting; is that right?

1 A. Yes.

2 Q. Okay.

3 A. Well, I mean, it is an independent
4 -- let me clarify that. It is an
5 independent assessment for any child that is
6 at risk of an out-of-home placement that
7 makes recommendations. So I don't know --
8 that's what the QI is.

9 Q. Okay. Thank you for clarifying
10 that.

11 And you see that on August 25,
12 2023, you email that -- you email even in
13 reviewing the At-Risk sheets, Burlington Co
14 existing disorders denied, stating that they
15 attend public school, do not feel
16 transitioning [REDACTED] back to public school so
17 fast would be a positive transition for him.
18 I think the information being provided about
19 this youth is definitely skewed and
20 negative.

21 Do you recall why you thought the
22 -- and sorry. Strike that.

23 The information being provided
24 about this youth, was that the information

1 being provided by the caseworker?

2 MS. SIEGENBERG: Objection.

3 Vague.

4 A. I don't recall.

5 Q. And you are reviewing the At-Risk
6 sheet. Who fills out the At-Risk sheet?

7 A. The worker.

8 Q. And do you have any memory as to
9 why you believe this information was skewed
10 and negative?

11 MS. SIEGENBERG: Objection.

12 Vague. Asked and answered.

13 A. I don't recall specifically, no.

14 Q. Okay. Do you recall -- strike
15 that.

16 So whether or not -- the caseworker
17 recommends to the court whether a child be
18 placed in a specific placement; is that
19 correct?

20 MS. SIEGENBERG: Objection.

21 Vague. Incomplete hypothetical.

22 A. The MDT makes the recommendation.
23 The caseworker presents it in a report. So
24 it is not just a caseworker and a

1 supervisor. I mean, that child has an
2 attorney. That child has parents, service
3 providers. So it is a combination, a
4 collaborative effort.

5 Q. Okay. And the judge is taking into
6 account the caseworker's opinion when making
7 a decision; is that correct?

8 MS. SIEGENBERG: Same objection.

9 A. I can't speak to what the judge
10 takes into account. I mean, in fairness, I
11 can't speak to what they take into
12 consideration. You know, I mean, the
13 caseworker basically is restating these are
14 what the recommendations as a QIA. You
15 know, within policy, we go with the least
16 restrictive. So I don't know what their --
17 a judge's thought is on that.

18 Q. And who decides where to place a
19 child at the time of the initial removal?

20 A. Okay. A worker in conjunction with
21 their supervisor -- I mean, a removal is
22 generally -- that's not like a planned
23 structure. It is generally an emergency
24 imminent situation when a child is removed.

1 And our policy is that you look for a
2 community that the child knows.

3 So, I mean, that information comes
4 from a child, you know, who do you spend
5 time with, you know. I mean, a lot of times
6 I go to Ms. Baker's house every -- we make
7 cookies. You know what I mean? We are
8 trying to establish who they have a
9 relationship with. And we look at -- we ask
10 parents if there's any family members that
11 they think would be appropriate. So those
12 decisions are made within the information
13 gathered at that time.

14 Q. Okay. And the ultimate decision of
15 where that child is placed upon initial
16 removal is left to the caseworker and their
17 supervisor; is that correct?

18 A. Yeah. I mean, there is -- I mean,
19 they have to do certain requirements,
20 background checks and the conversations I
21 just told you about. So yeah. Ultimately,
22 yes.

23 Q. Okay. And do you have an
24 understanding as to why Ms. Bragg is

1 emailing about this specific instance?

2 MS. SIEGENBERG: Objection.

3 Vague. Calls for speculation.

4 A. Well, I know Ms. Bragg was very
5 passionate about placement and meeting a
6 child's needs. And I think -- so, I mean,
7 that's my opinion -- that they -- in this
8 situation, she didn't think a child's best
9 interest was being addressed.

10 Q. Okay. And are there any regular
11 reviews of whether a caseworker and/or a
12 supervisor are recommending to the court the
13 least restrictive placement?

14 MS. SIEGENBERG: Objection.
15 Confusing.

16 A. Ask me again. I apologize.

17 Q. Sure. Sure.

18 WHAT I am trying to understand is,
19 is Ms. Bragg -- is there some formal system
20 by which Ms. Bragg is reviewing all
21 placements, and so she is seeing which ones
22 are -- you know, are least restrictive and
23 which she does not believe are least
24 restrictive, or is it just a one off -- one

1 off case that came to her attention?

2 A. There is a -- there is a process
3 that she could speak to more eloquently than
4 I can obviously. But each out-of-state
5 placement is reviewed and is actually signed
6 off by our commissioner. So, I mean, there
7 is a process in place.

8 Q. Okay. And does the commissioner do
9 any additional -- strike that.

10 In signing off on the out-of-state
11 placement, what does the commissioner rely
12 on?

13 A. The assessments, the information
14 provided, I would assume. I can't speak to
15 what he would rely on. But I know he
16 doesn't hesitate to question if he is not in
17 agreement.

18 Q. Okay. And the information provided
19 to him is provided from the caseworkers and
20 the supervisors; is that correct?

21 A. And also your child welfare
22 consultant and the information Aetna
23 provides. I mean, again, it's -- it is not
24 one person, it is a collaboration.

1 Q. All right. I am going to --

2 MS. SIEGENBERG: We are also
3 going to request that Exhibit 6 be
4 maintained under seal because it contains
5 protective information.

6 MS. TEBOR: Yes, that's fine.

7 (Exhibit 7 was marked.)

8 Q. I am marking this as Exhibit 7.
9 I'm just going to be talking about the cover
10 email. So you don't need to read the
11 attachment unless you want to look at it.

12 A. Okay.

13 Q. Just let me know when you are
14 ready.

15 MS. SIEGENBERG: I will just
16 state for the record now that Exhibit 7 --
17 we will also be asking that Exhibit 7 be
18 maintained under seal.

19 MS. TEBOR: Understood.

20 A. All right. So the email. Okay.

21 Q. So this is an email from Lorie
22 Bragg to you and Jeff Pack from November 8,
23 2023; is that correct?

24 A. Correct.

1 Q. Okay. And it's attaching case
2 filing for an individual case. And
3 Ms. Bragg says, I am just letting you know
4 this is a bit ridiculous. There is zero
5 reason that we should have got to this
6 point. They waited until the facility was
7 decided before sending this to Cory. He
8 tried to staff, explain there is really
9 nothing in this that would prevent this kid
10 from being served in state. The worker
11 himself didn't know anything about this kid
12 and couldn't even talk about services.
13 After the staffing, they basically
14 manipulated their way into a court order.

15 Do you see that?

16 A. Uh-huh.

17 Q. Do you recall receiving this email
18 from Ms. Bragg?

19 A. I am not disagreeing. I mean, I
20 received it, I mean, so ...

21 Q. Did you follow up with Ms. Bragg
22 regarding this email?

23 A. I am reading it, trying to recall
24 this case. If you just give me one second.

1 Q. Uh-huh.

2 (Witness reviews document.)

3 A. Okay. Ask your question. Sorry.

4 Q. Did you follow up with Ms. Bragg
5 with regard to this email?

6 A. I don't recall specifically
7 following up with Ms. Bragg.

8 Q. Do you recall following up with
9 anyone regarding this email?

10 A. I mean, I am sure I -- I am sure I
11 followed up, I mean, with both the district
12 and Ms. Bragg. I just don't recall the
13 specifics.

14 Q. Okay. So this is stating that
15 there was a supervisor and a caseworker who
16 didn't know anything about the kid and
17 couldn't even talk about services. Do you
18 have any reason to doubt the validity of Ms.
19 Bragg's statements?

20 MS. SIEGENBERG: Objection.
21 Calls for speculation.

22 A. Other than a court order -- a
23 finding by the court that there was a
24 variety of intents and services and programs

1 that the parents had previously undertaken
2 that were unsuccessful, I mean, that would
3 be -- when I read over this. And I am doing
4 this by just reading what is in front of me.
5 They may not have known the services. But
6 the court made a finding that the parents
7 had instituted services.

8 Q. That's with respect to the parents,
9 correct?

10 A. Yes.

11 Q. Not with respect to the child?

12 A. For the child. The court further
13 finds reasonable efforts have been made to
14 maintain the juvenile in the community
15 through a variety of intensive services and
16 programs that the parents have previously
17 undertaken, but they were unsuccessful.

18 Q. Okay. Sorry. You had said that
19 the parents had undertaken.

20 A. I'm sorry. Well, the parents
21 initiated the services.

22 Q. Understood.

23 And you can't speak to what the
24 court relied on in making that finding,

1 correct?

2 A. No. I just read just the court
3 order you put in front of me.

4 Q. Okay. And do you have an
5 understanding of whether anything was done
6 to discipline this caseworker and the
7 supervisor who couldn't even talk about
8 services?

9 MS. SIEGENBERG: Objection.
10 Calls for speculation. Assumes facts not in
11 evidence.

12 A. I don't recall.

13 Q. Okay.

14 A. I don't even recall who the -- I
15 mean, like the supervisor or worker are
16 referring to. I'm sorry. I apologize. I
17 just --

18 Q. But this is -- strike that.

19 Okay. And Ms. Bragg is saying that
20 there was nothing that would prevent this
21 child from being served in state; is that
22 correct?

23 A. That's what her statement is, yes.

24 Am I finished with this one?

1 Q. Yes.

2 I am going to mark this one as
3 Exhibit 8.

4 (Exhibit 8 was marked.)

5 (Witness reviews document.)

6 Q. Ms. Ellis, let me know when you are
7 ready to discuss this email.

8 A. I am ready.

9 Q. Okay. This is an email from
10 Jondrea Nicholson to Jeffrey Pack, copying
11 you on April 7, 2023. Is that correct?

12 A. Yes.

13 Q. Okay. In the first line, she
14 states, Honestly, we lost control of foster
15 homes when we stopped certifying anything
16 other than KR -- is that kinship in relative
17 homes; is that correct?

18 A. Uh-huh.

19 Q. I understand why we did this and
20 agree that it had to be done, but this is
21 not the first time I have been told by a
22 foster parent that they have not gotten
23 called for placement for a while. I don't
24 know if it is because the CPAs are short

1 staffed and don't have case managers to
2 manage all of their homes, if they have
3 staff that they just don't want to take the
4 time to do the searching, if foster parents
5 are being truthful, combination or what.

6 So, Ms. Ellis, from this email, the
7 department is only certifying kinship in
8 relative homes; is that correct?

9 A. From this email, yes.

10 Q. Is that accurate today?

11 A. Well, I mean, yes and no. I mean,
12 we do have -- we have certified we are just
13 opening up our third emergency foster care
14 referral home. And we do have a handful of
15 homes that were approved for adoption that
16 are still -- you know what I mean, that have
17 kept up their certification. So there are
18 some homes through the agency.

19 Q. You said homes that are approved
20 for adoption?

21 A. Well, they have like previously
22 been foster parents and adopted a child.
23 And they have kept up their certification.
24 They may be interested in taking, you know,

1 the right child or another child along the
2 way. So there is a handful of homes?

3 Q. So that's a handful of those?

4 A. When I say a handful, I don't -- I
5 mean, home finding is not under my direct.
6 But, I mean, like when I say a handful, I
7 mean, it is not like a huge number. But
8 there are -- I think it was described in our
9 leadership as a handful that we do have some
10 homes.

11 Q. Okay. And all other certified
12 non-kinship foster homes are certified
13 through CPAs; is that --

14 A. Right.

15 Q. -- correct? Okay.

16 And do you personally do anything
17 to track the activities of the CPAs in the
18 districts that you oversee?

19 A. Okay. Please clarify that question
20 for me.

21 Q. Sure. Absolutely.

22 So with respect to the CPAs, do you
23 receive reports from them regarding their
24 available placements?

1 A. I mean, as I testified before, we
2 used to get reports. I mean, they are not
3 like consistently what is available. I
4 personally don't, no.

5 Q. Okay. When you say "we get those
6 reports," who are you talking about?

7 A. Well, I mean, it goes out to like
8 their list serve of like managers, program
9 managers. I don't know the rhyme or reason
10 of who is on that list. But, I mean, we did
11 -- I haven't seen one for a while of like
12 what their availability is.

13 Q. And is it your understanding that
14 CPAs are short staffed?

15 A. I mean, I wouldn't know that. I
16 mean, they don't -- I mean, they are not --
17 in meeting with like their leadership and
18 CPAs, I mean, they don't indicate that they
19 are short staffed. I know -- I mean, like
20 with the shelters, like there were staffing
21 issues with shelters. After COVID, we were
22 made aware of it. But that's not something
23 that we are consistently made aware of.

24 I think that when they talk about

1 like foster parents saying they have not
2 been called, they manage that home. They
3 know where -- my manager might not know
4 about Little [REDACTED] in here, that if there
5 is too many people, he gets overanxious. So
6 we don't want to place a child in there.

7 So when the foster parents are
8 aren't getting that call, we -- the best
9 resolution for kids is to match them with
10 the right home. And so, I mean, we don't
11 know what is going on with that foster
12 family, if they have asked them to make some
13 changes in their home or -- you know, or the
14 foster family shared that, you know, they
15 have a sick child that they don't want to
16 take placement. I mean, we don't know that.
17 The private agencies, they manage that.

18 So like when I look at something
19 like this -- I mean, I can recall
20 specifically asking about a certain family.
21 They say they are not getting calls when we
22 tell them they are on placements. And she
23 said, you know, when they elected to do
24 this, they only wanted like age three to

1 six. You know, that's -- that's what they
2 wanted. So when we -- like there's an 11-
3 or 12-year-old, like they have already said
4 up front that that's not the age that they
5 are interested in.

6 (A discussion was held off the
7 record.)

8 BY MS. TEBOR:

9 Q. So you said when you see an email
10 like this, you don't believe that there are
11 available foster homes that are not getting
12 calls from CPAs?

13 A. I don't have any reason to believe
14 that there are. I mean, like on the rare
15 occasion like when foster parents have said,
16 you know, like -- where it has been said to
17 me the rare occasion that we are not getting
18 calls, when I talk to the agency, I mean,
19 there are reasons -- I mean, they provided
20 reasons why they weren't getting calls.
21 They understand the dynamics of their home.
22 And where this county might not know about
23 this county's child or -- you know, like
24 this county's child requires like, I mean,

1 six and not potty trained, you know, that
2 takes a little bit more intensity.

3 You know, a foster home, like they
4 wanted an additional -- they have a baby
5 that was born very premature and has like
6 eating issues, and that baby is still --
7 like a newborn baby has to be -- like every
8 three hours, an alarm goes off. They had to
9 feed that baby.

10 And so like as the agency, they
11 made a decision that it wasn't good to add
12 other children in there because the
13 requirements of that child, until they get
14 past that. And so, I mean, that information
15 wouldn't be shared with everyone.

16 So I am not aware of -- I mean, I
17 have not had anybody from a -- that I can
18 recall from a private agency telling me like
19 staffing issues.

20 Q. Okay. And you would only find out
21 about the staffing issues if the private
22 agency told you about it?

23 A. Right. And I think they would say
24 we can't take any more kids, we don't have

1 case manages. Now, there is a lot of like
2 fluid movement between agencies. You know,
3 I mean, there is a lot of fluid where case
4 managers will jump to the next private
5 agency because this person may be here and
6 then next week they are there. So, I mean,
7 you do see that. But I don't -- I have not
8 been made aware of issues. I mean, and
9 where we can assume that they are not
10 calling because they don't -- again, there
11 may be reasons why they are not calling that
12 family.

13 Q. Uh-huh.

14 A. And I would prefer them to try to
15 match a child with a family, like a dynamic
16 that is going to work.

17 Q. Okay. And aside from the cases
18 where you specifically investigated what was
19 the issue, you are not receiving regular
20 reports as to if families that are available
21 are being matched with appropriate kids; is
22 that correct?

23 A. Okay. I'm sorry. It a little bit.
24 Ask me that again. Sorry.

1 Q. Sure. So you talked about a couple
2 of specific instances where you followed up
3 and investigated once you received
4 complaints from foster parents that they
5 were not getting called; is that correct?

6 A. That's correct.

7 Q. Okay. Aside from those specific
8 instances where a foster parent complained
9 to you and you investigated, are you
10 receiving any sort of regular reports that
11 would show what exactly the placements are
12 and who is filling those placements?

13 MS. SIEGENBERG: Objection.
14 Asked and answered.

15 A. And I don't understand the
16 question. I mean, I'm really not trying
17 to --

18 Q. Yeah.

19 A. In regards to like, I mean, the
20 vacancies, if that's what you are asking,
21 like I mean those -- like they are not -- we
22 used to get them more regularly than we do
23 now. But as far as like -- and it doesn't
24 tell me why. It just tells me like there is

1 a 10-year-old male bed or there is a male
2 bed. I mean, that's what it says.

3 Q. Okay.

4 MS. SIEGENBERG: Julia, whenever
5 is a good time for a break, we have been
6 going for about an hour.

7 MS. TEBOR: I think I am close
8 to done. So I would -- I mean, unless you
9 would like a break. I know you have been
10 thinking you want to power through.

11 MS. SIEGENBERG: I think a
12 five-minute break would be great. But I
13 don't know want to interrupt your line of
14 questioning or line of thought. I was just
15 flagging that it has been about an hour.

16 MS. TEBOR: Thank you. I
17 appreciate that. I don't have a watch on,
18 so I do appreciate that.

19 Q. So with regard to the individual
20 instances that you followed up on and you
21 talked to the CPAs, did you do anything to
22 validate that what the CPAs were telling you
23 about the families was accurate?

24 MS. SIEGENBERG: Objection.

1 Calls for hypothetical.

2 A. I mean, I have no reason to doubt
3 what they told me.

4 Q. So you trusted what they told you?

5 A. Well, I mean, unless like when they
6 said, you know, say this -- I mean, just
7 using this county. Well, that's a Lewis
8 County kid. I am familiar with that kid
9 because we have had difficulty placing that
10 kid. I mean, so that kid kind of was on my
11 radar. So then when they tell me who is in
12 that home, that makes sense to me why we
13 wouldn't want to place another child there.

14 Q. Okay. So in the event that you
15 knew the child directly --

16 A. Right. And I think in both
17 instance, I did know or was aware. I mean,
18 I don't know them personally, but I was
19 aware of like the situations of that child.

20 Q. So you said in both instances.
21 Were there two instances that you --

22 A. There is two that come to mind.

23 Q. Okay. Do you think there were more
24 than two that you investigated

1 independently?

2 A. Well, I mean, I think I have them
3 on the phone 40 percent of my day every ay.
4 So, I mean, likely there was. I don't
5 recall them specifically.

6 Q. Okay.

7 A. I always refer like foster parents
8 to their agency. Their agency is making
9 that decision.

10 MS. TEBOR: Okay. I think now
11 is a good time for a five-minute break.

12 (Break in proceedings from 12:43
13 to 12:53 p.m.)

14 MS. TEBOR: I am marking this as
15 Exhibit 9.

16 (Exhibit 9 was marked.)

17 (Witness reviews document.)

18 BY MS. TEBOR:

19 Q. Ms. Ellis, let me know when you are
20 ready.

21 A. Okay.

22 Q. This is an email from Kristin
23 Showalter to Mary Rossana and several other
24 people, including yourself, from October 25,

1 2023. Is that correct?

2 A. Yes, ma'am.

3 Q. Do you recall receiving this email?

4 A. No. I mean, I am not saying I
5 didn't. I just don't recall it.

6 Q. Okay. And it appears from this
7 email that there was a referral with regard
8 to a sexual assault -- sorry -- sexual abuse
9 made on a house in February of 2023; is that
10 correct?

11 MS. SIEGENBERG: Objection.
12 Vague. Calls for speculation. Not sure if
13 you want to direct her to --

14 MS. TEBOR: Yeah. That's fine.

15 Q. Okay. So if you look at the bottom
16 email from Kelly White on October 24, 2023,
17 she says, Nicole Cottrell has placed the
18 young child out of Lewis County. This case
19 should be with the adoption unit. We are
20 going to use her today for kinship relative
21 placement and discovered that there is an
22 open referral on her home (backlog) from
23 February 2023.

24 Is that correct? Do you see that?

1 A. Are you on page 570?

2 Q. Oh, sorry. I am on 571.

3 A. Okay. That will help.

4 Q. I am looking at the very bottom
5 paragraph of actual email text.

6 A. Yes. Okay.

7 Q. All right. And she said there is
8 an open referral on a home backlog from
9 February 2023; is that correct?

10 A. Yes.

11 Q. And then if you look at the email
12 above that that starts on page 570, it talks
13 about a CPS referral regarding sexual abuse
14 by an uncle. Do you see that bottom
15 paragraph?

16 A. Yes.

17 Q. Okay. And then -- let's see. And
18 then if you look at October -- the email on
19 page 569 at the second email from the top
20 from Mary Rossana, starting with Justin and
21 Matthew, she is asking was an IIU made on
22 207355 referral made 2/12/23. The home has
23 four adopted children in it and a
24 ten-month-old infant that is in our care and

1 in the adoption unit. I believe Lewis
2 County placed two additional children in
3 this home without Home Finding's knowledge.
4 The baby that is in the adoption unit is a
5 Judge Alsop case.

6 Do you see that?

7 A. Yes.

8 Q. So there is a 10-month-old infant
9 that was placed into a home that has a
10 pending referral with regard to sexual
11 abuse; is that correct?

12 MS. SIEGENBERG: Objection.

13 Calls for speculation. Vague.

14 A. Okay. To clarify that, it doesn't
15 say when the infant was placed. It doesn't
16 say when the infant was placed there. If
17 the child is in the adoption unit, that
18 child would have already been there like in
19 placement.

20 Q. Okay. And the child was not
21 removed due to the referral regarding sexual
22 abuse made on 2/12/23; is that correct?

23 MS. SIEGENBERG: Objection.

24 Calls for speculation. Mischaracterizes the

1 exhibit. Vague.

2 A. I don't supervise adoption. I
3 don't know what action was taken.

4 Q. Okay. But from this email, it
5 appears that the child as of October of 2023
6 was still in the home; is that correct?

7 MS. SIEGENBERG: Same objection.

8 A. I mean, it appears so. I don't
9 know if the child was placed somewhere else
10 and put back. I don't know. I don't know.

11 Q. But from the email, as of October
12 24, 2023, the child was still in the home?

13 A. According to the information
14 provided by Mary Rossana.

15 Q. All right. And Mary Rossana
16 states, I believe Lewis County placed two
17 additional children in this home without
18 Home Finding's knowledge.

19 Do you see that?

20 A. I do.

21 Q. So two additional children were
22 placed in the home after the referral made
23 in 2/12/23. Do you see that?

24 MS. SIEGENBERG: Objection.

1 Calls for speculation.

2 A. Ask me your question again. I'm
3 sorry.

4 Q. Sure.

5 Let me refer you to the below email
6 from Kelly White on October 24, 2023. She
7 said, My guess is that an IIU was made. I
8 was not covering this district in February.
9 The other sup said she believes contact was
10 made and their referral was resolved but
11 never timed. I have a worker scheduled to
12 interview them all again and type this up by
13 the end of the week. Can I place two other
14 kids in this home while they are actually
15 already there?

16 Do you see that?

17 A. Uh-huh.

18 Q. Okay. And so two additional kinds
19 were placed in the home following -- after
20 the referral was made regarding sexual abuse
21 in February of 2023; is that right?

22 MS. SIEGENBERG: Objection.

23 Calls for speculation.

24 A. Ask me your question again. I'm

1 sorry.

2 Q. Sure.

3 Kelly White is talking about
4 placing two additional children in the home
5 that has a pending referral regarding sexual
6 abuse; is that correct?

7 MS. SIEGENBERG: Calls for
8 speculation.

9 A. I mean, she is also stating that
10 the referral -- she spoke with the other
11 supervisor and the referral was resolved but
12 just not typed up.

13 Q. Okay. And if you look at the page
14 ending in 568, there is a Wednesday,
15 October 25, 2023 email from Rebecca Carson.
16 Do you see that email?

17 A. Uh-huh.

18 Q. And she says, Kiara, can you please
19 get an IIU entered using the information as
20 thread and in the CPS referral that is
21 referenced? Please take care of that as
22 soon as you can and get it to Matt's unit
23 for acceptance.

24 Do you see that?

1 A. Yes.

2 Q. So it appears from this info that
3 there was not an IIU entered previously?

4 MS. SIEGENBERG: Objection.
5 Calls for speculation. Assumes facts not in
6 evidence.

7 A. I mean, there's a directive there
8 to enter an IIU. So, I mean, there is a
9 directive to enter an IIU.

10 Q. And you wouldn't need to enter an
11 IIU, an IIU was already existing?

12 A. Well, unless an IIU was screened
13 out or -- I mean, again, there's
14 circumstances -- like part of the
15 information -- like all of the information
16 contained in here may not have been entered
17 in an IIU and it didn't meet the legal
18 definition and it had been screened out.

19 Q. Okay. So it is possible that the
20 IIU screened out this sexual abuse
21 allegation about the uncle?

22 MS. SIEGENBERG: Objection.
23 Calls for speculation.

24 A. Okay. To clarify what I said, an

1 IIU could have been entered on that home and
2 screened out. Not having all of the
3 information that is here.

4 Q. Okay. And if IIU had the
5 information that was here regarding sexual
6 abuse, you would assume they would not
7 screen the case out?

8 A. Right. I mean, it could have been
9 a referral that said that the girl was
10 uncomfortable around her uncle. I mean, you
11 know, we get referrals called in like that
12 that -- I mean, that doesn't meet the legal
13 definition.

14 Q. Okay. And you see from the
15 October 24, 2023 email from Kelly White, it
16 has an intake number and received 2/12 of
17 2023? Do you see that on page 570? Sorry.
18 I will turn your attention to page 570.

19 A. Thank you.

20 Q. Yeah.

21 A. So I see the intake number.
22 Received 12/12/23. Yes, I see that.

23 Q. Okay. You see that the information
24 below starting, The reporter states that a

1 CPA referral was called in last fall about
2 mid November concerning sexual abuse of
3 [REDACTED] from the uncle in the house?

4 A. Yes.

5 Q. This appears to be the intake
6 information received on February 12, 2023;
7 is that correct?

8 MS. SIEGENBERG: Objection.
9 Calls for speculation.

10 A. This would -- this is the CPA
11 referral.

12 Q. From February 12, 2023?

13 A. Right.

14 Q. Right. Okay.

15 And turning your attention back to
16 page 569.

17 A. 569?

18 Q. Yeah. So it is the email second
19 from the top from Mary Rosanna from
20 October 24, 2023, stating that, I believe
21 Lewis County placed two additional children
22 in this home without Home Finding's
23 knowledge.

24 A. Uh-huh.

1 Q. Do you receive any data on children
2 placed in homes without Home Finding's
3 knowledge?

4 MS. SIEGENBERG: Objection.
5 Vague.

6 A. Not a specific report.

7 Q. Do you have any understanding that
8 -- is this problematic that caseworkers
9 place children in a home without Home
10 Finding's knowledge?

11 MS. SIEGENBERG: Objection.
12 Confusing. Assumes facts not in evidence.

13 A. That's not a common issue.

14 Q. And how do you know that is not a
15 common issue?

16 A. Because, I mean, if they go through
17 -- I mean, we re-educate them to go through
18 like the Home Finder not to call. And we
19 have clarified if they adopt the kids
20 previously -- I mean, they're still a
21 department home even though they are Little
22 [REDACTED] aunt, we need to go through a home
23 finding. A home finding, in order to link
24 them in the system for payment, there has to

1 be a provider number. So they have to
2 notify Home Finding under the new system to
3 get a provider number to link the child for
4 payment and a medical card. So, I mean, the
5 system in itself has helped to alleviate
6 that.

7 Q. Could a caseworker place a child
8 and then tell Home Finding about the child's
9 placement?

10 MS. SIEGENBERG: Objection.
11 Calls for speculation.

12 A. Well, they are not going to get a
13 provider number to link to that child.

14 Q. Right. But they could still
15 physically place a child in a home and then
16 tell Home Finding and receive the provider
17 number; is that correct?

18 MS. SIEGENBERG: Objection.
19 Incomplete hypothetical.

20 A. They could physically place a child
21 on an evening and notify Home Finding in the
22 morning. And, I mean, if there is an issue
23 -- like if they didn't call the home finder
24 that night, then I mean the child -- I mean,

1 they would look as that is appropriate
2 placement. So, I mean -- but in order to
3 link the child again, they have to notify
4 Home Finding.

5 Q. And in this instance, it appears
6 from what Mary Rossana says that the two
7 children were placed in this home without
8 Home Finding's knowledge; is that correct?

9 A. That does -- yes.

10 Q. Okay. And do you have any reason
11 to doubt the validity of that statement?

12 MS. SIEGENBERG: Objection.
13 Calls for speculation.

14 A. I don't have any reason to doubt
15 the validity.

16 Q. Okay. And are there any reviews
17 performed of child placements to ensure that
18 they were all done with Home Finding's
19 knowledge before the child was placed?

20 MS. SIEGENBERG: Objection.
21 Vague. Asked and answered.

22 A. I mean, it is all a part of like
23 when you are reviewing a case. I mean, it
24 would come up like through a DPQI. I don't

1 know what Home Finding's reviews, like their
2 -- the frequency or the certifications.
3 But, I mean, in order to maintain an active
4 placement, they have to be certified. But I
5 don't know the specifics to that.

6 Q. Okay. Aside from the DPQI process,
7 is there anything else that you know of that
8 would identify occasions such as this one
9 where a child is placed without Home
10 Finding's knowledge?

11 MS. SIEGENBERG: Objection.
12 Vague. Calls for speculation.

13 A. Ask me your question. Sorry.

14 MS. TEBOR: Can you repeat that?
15 (The preceding question was read
16 back by the court reporter.)

17 MS. SIEGENBERG: Same objection.

18 A. I mean, Home Finding is going to
19 let you know immediately when they -- you
20 know, they find out about it. And, I mean,
21 foster parents have certain expectations --
22 I mean, like a clothing allowance for the
23 card, a medical card because they know as
24 part of their responsibility is to get

1 medical treatment. So it is going to come
2 up in a very short window because if they
3 are not linked to a provider number, they
4 are not going to get a medical card or be
5 able to get the services.

6 Q. When you say a short window, you
7 have no estimation of when this issue would
8 come up?

9 A. Like for an EPSDT, which is a well
10 child exam in West Virginia, it should be
11 scheduled within 72 hours. So the
12 three days is a short window to me. I mean,
13 that's what I am referring to.

14 Q. And you believe that this would
15 come up at the -- that a child was placed in
16 a home without Home Finding's knowledge
17 would come up at the EPSDT?

18 MS. SIEGENBERG: Objection.
19 Misstates prior testimony.

20 A. Well, I mean -- they don't have a
21 medical card. I mean, they don't have --
22 they are not -- they don't have what they
23 need to get that child's medical.

24 I mean, to clarify, this is

1 uncommon. This is not something that
2 happens regularly.

3 Q. Okay. The basis of your knowledge
4 as to why this is not common is because you
5 have not heard of this happening frequently;
6 is that correct?

7 A. I can assure you when the field
8 makes a mistake, we know about it. I mean,
9 we are notified regularly if they -- if they
10 placed a child they shouldn't have, if they
11 haven't entered a child in placement, if
12 they didn't follow the QI -- I mean, we are
13 notified. So that's not something that I am
14 notified of regularly.

15 Q. Did you do anything with respect to
16 this particular worker to address the
17 placement of children in a home without Home
18 Finding's knowledge?

19 MS. SIEGENBERG: Objection.
20 Vague. Calls for speculation.

21 A. There's several workers referenced
22 in here. I entered the district, the
23 Braxton, Clay, Webster, and Mr. Clutter left
24 rather quickly. So he is no longer there if

1 you are referring to him. I don't -- I
2 don't know what -- I guess I don't know what
3 worker you are referring to.

4 Q. Well, it appears from the email on
5 569, Kelly White is stating, Can I place two
6 other kids in this home while they are
7 actually already there?

8 A. That was -- that was -- the
9 district was reeducated -- I can tell you
10 that -- was reeducated on the proper
11 placements in going through the channels.

12 Q. Okay. So you think that the issue
13 is fixed because there has been --

14 A. Well, I mean --

15 Q. -- reeducation -- let me -- I'm
16 sorry. Let me just for her sake.

17 A. I'm sorry.

18 Q. You think that the issue has been
19 fixed because of this reeducation?

20 MS. SIEGENBERG: Objection.
21 Misstates prior testimony. Calls for
22 speculation.

23 A. I think the district -- I think it
24 is a combination of things, the continual

1 conversations between a worker and a
2 supervisor when a child is removed, where
3 they are placed, the continual conversation
4 implementing those requirements in there,
5 the education for the district with policy
6 and -- so I think it is a -- I am not going
7 to say that it is perfect, but I think it is
8 greatly vastly improved.

9 Q. Are there any metrics by which you
10 are judging that it is vastly improved?

11 MS. SIEGENBERG: Objection.
12 Vague.

13 A. I don't recall. If I look at
14 probably the last -- like in the last six
15 months of the complaint of repeat offense of
16 this -- I mean, that's what I am looking at.

17 Q. So you are basing it on the fact -
18 just to clarify - that you have not seen a
19 complaint regarding this issue in the last
20 six months?

21 A. Not that I recall.

22 MS. TEBOR: Can we just have a
23 one-minute break?

24 MS. SIEGENBERG: Yes. And just

1 before going off the record, Defendants are
2 also going to request that Exhibit 9 be
3 maintained under seal.

4 MS. TEBOR: Got it.

5 (Break in proceedings from 1:13
6 to 1:15 p.m.)

7 MS. TEBOR: We do not have any
8 more questions. Thank you for your time.
9 We appreciate it. We appreciate you coming
10 in.

11 MS. SIEGENBERG: Thank you.
12 Defendants don't have any questions either.
13 We would just like to -- the right to review
14 and read and sign. And then we would also
15 like the deposition transcript to be
16 maintained under seal -- I mean, by
17 confidential information was mentioned. But
18 we can also talk about the process that you
19 want for designating the specific portions
20 of it.

21 MS. TEBOR: Okay. Let's talk
22 about the process. I can't recall right now
23 which specific names or information was
24 mentioned. But I think we -- and Plaintiffs

1 would obviously agree to seal identifying
2 information, but I don't think we would seal
3 the whole transcript.

4 MS. SIEGENBERG: Yeah. And we
5 agree with that. We would only request to
6 seal identifying portions. I just don't
7 have the line numbers to tell you or even
8 the names to tell you.

9 MS. TEBOR: Fair enough. So why
10 don't we hold that until we get the
11 transcript, and then we can discuss the
12 specific lines that should be sealed.

13 MS. SIEGENBERG: That's fine.

14 (Deposition concluded at 1:16 p.m.)

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CERTIFICATE

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I, Tara Arthur, Certified Stenotype Reporter and Notary Public, do hereby certify that the foregoing deposition of the above-named witness, was duly taken by me in machine shorthand, and that the same were accurately written out in full and reduced to computer transcription.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which this deposition is taken; and furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

My commission expires April 16, 2027.



Tara Arthur
Certified Court Reporter/Notary Public